

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

Leila Green Little, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 1:22-cv-00424-RP
	§	
Llano County, <i>et al.</i> ,	§	
	§	
Defendants.	§	
	§	

**DECLARATION OF SARAH SALOMON**

I, Sarah Salomon, declare:

1. I am an attorney at BraunHagey & Borden LLP and counsel of record for Plaintiffs in the above-captioned matter. I make this declaration based on personal knowledge and if called upon to testify, I could and would testify competently to the facts stated herein.
2. Attached hereto as **Exhibit 1** are Defendants' Responses to Plaintiffs' First Set of Interrogatories.
3. Attached hereto as **Exhibit 2** are the excerpts of Defendant Amber Milum's deposition that are cited in Plaintiffs' Reply in support of their Motion for a Preliminary Injunction.
4. Attached hereto as **Exhibit 3** are the excerpts of Defendant Jerry Don Moss's deposition that are cited in Plaintiffs' Reply in support of their Motion for a Preliminary Injunction.
5. Attached hereto as **Exhibit 4** are the excerpts of Defendant Bonnie Wallace's deposition that are cited in Plaintiffs' Reply in support of their Motion for a Preliminary Injunction.

6. Attached hereto as **Exhibit 5** is a document produced by Defendant Milum reflecting contemporaneous notes regarding requests she received from community members, Defendant Cunningham, and Defendant Moss to remove certain books from library shelves.

7. Attached hereto as **Exhibit 6** is an April 5, 2022 email chain between Defendant Wallace, Defendant Milum and others on the Library Board regarding book purchases for Bibliotheca.

8. Attached hereto as **Exhibit 7** is an April 13, 2022 email chain with Defendant Wallace, Defendant Milum and others on the Library Board regarding books that the Library Board wanted removed from a recent purchase of materials from Bibliotheca.

9. As set forth in Plaintiffs' concurrently-filed Motion to Compel, Defendants have obstructed expedited discovery after agreeing to respond to it in full.

10. On June 22, 2022, Defendants made a production of documents. However, the list of books Defendants have removed from shelves from March 31, 2022 to May 11, 2022 (when the expedited discovery motion was filed) was not included in the production, even though that list is responsive to Plaintiffs expedited Requests for Production 1 and 4. To date, Defendants have only identified the books that were weeded between January 1, 2021 and March 31, 2022, though Defendant Milum confirmed on the record at her deposition that she could easily run a report for books that had been deleted through the present.

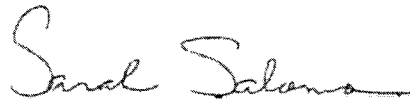
11. Defendants have also refused to produce responsive discovery that would challenge their supposed "legitimate" bases for weeding the books identified in Plaintiffs' Preliminary Injunction Motion. During her deposition, Defendant Milum explained that, according to the Library System's standard weeding procedure, a book is weeded if it is not checked out at least within three years. Defendant Milum further confirmed that she could pull a

report of books that currently remain on shelves even though they have not been checked out in the last three years. However, Defendants have also refused to produce that report.

12. Furthermore, despite clear instructions in Plaintiffs' Requests for Production to produce documents "in their native format," Defendants produced all emails as PDFs stripped of any metadata and without their attachments. Plaintiffs have raised this issue with Defendants multiple times without resolution. Defendants also appear to have made an incomplete production that does not include Yahoo emails sent by library personnel in their official capacities.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: July 29, 2022

By:   
Sarah Salomon

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

Leila Green Little, *et al.*,  
Plaintiffs,  
v.  
Llano County, *et al.*,  
Defendants,  
and  
The State of Texas,  
Intervenor-Defendant.

Case No. 1:22-CV-00424-RP

**DEFENDANTS' RESPONSE TO PLAINTIFFS' INTERROGATORIES TO DEFENDANT  
LLANO COUNTY SET ONE**

TO: **Plaintiffs**, Leila Green Little, et al., by and through their attorneys of record, Ellen Leonida, BraunHagey & Borden, LLP, 351 California Street, 10th Floor, San Francisco, CA 94104, and Ryan A. Botkin, Wittliff | Cutter PLLC, 1209 Nueces Street, Austin, Texas 78701;  
**Defendants**, Llano County, et al., by and through their attorneys of record, Dwain K. Rogers, Llano County Attorney, Matthew L. Rienstra, First Assistant County Attorney, 801 Ford Street, Llano, Texas 78643, and by Intervenor, Ken Paxton, Attorney General of Texas, Brent Webster, First Assistant Attorney General, Shawn E. Cowles, Deputy Attorney General for Civil Litigation, Christopher D. Hilton, Chief, General Litigation Division, Landon A. Wade, Attorney in Charge, P.O. Box 12548 (MC-019), Austin, Texas 78711.

**COMES NOW** Defendant, Llano County, in the above entitled and numbered cause and serves its objections and answers to Plaintiff's First Set of Discovery Requests.

Respectfully submitted,

By: Dwain K. Rogers

**Dwain K. Rogers**

Attorney in Charge

Texas Bar No. 00788311

County Attorney

**Matthew L. Rienstra**

First Assistant County Attorney

Texas Bar No. 16908020

Llano County Attorney's Office

Llano County Courthouse

801 Ford Street

Llano, Texas 78643

(325) 247-7733

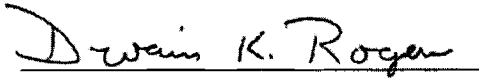
[drogers@co.llano.tx.us](mailto:drogers@co.llano.tx.us)

[matt.rienstra@co.llano.tx.us](mailto:matt.rienstra@co.llano.tx.us)

Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants Objections, Answers, and Responses to Plaintiff's First Set of Discovery Requests was served by facsimile and electronic mail on this the 22nd day of June 2022, to the following:



**Dwain K. Rogers**  
Attorney in Charge  
Texas Bar No. 00788311  
County Attorney

**Matthew L. Rienstra**  
First Assistant County Attorney  
Texas Bar No. 16908020

Llano County Attorney's Office  
Llano County Courthouse  
801 Ford Street  
Llano, Texas 78643  
(325) 247-7733  
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[matt.rienstra@co.llano.tx.us](mailto:matt.rienstra@co.llano.tx.us)  
Counsel for Defendants

### **OBJECTIONS TO DEFINITIONS**

Objection is made to the following definition, "INAPPROPRIATE CONTENT", as used in Plaintiff's Interrogatories to Defendant, for the following reasons:

- a. Assumes facts not in evidence;
- b. Not relevant, Defendant has not filed an answer to the Plaintiff's complaint with any defensive contention regarding: "INAPPROPRIATE CONTENT";
- c. The definitions are overbroad as applied to how the Llano County community views the term "INAPPROPRIATE" or its antonym Appropriate.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

IDENTIFY any MATERIALS that were RESTRICTED or removed from the LIBRARY SYSTEM from June 2021 to present that YOU have reason to believe were RESTRICTED or removed on the basis of INAPPROPRIATE CONTENT.

#### **OBJECTION:**

Objection is made as to the definition of "INAPPROPRIATE CONTENT," as it:

- a. Assumes facts not in evidence;
- b. Not relevant, Defendant has not filed an answer to the Plaintiff's complaint with any defensive contention regarding: "INAPPROPRIATE CONTENT";
- c. The definition is overbroad as applied to how the Llano County community views the term "INAPPROPRIATE" or its antonym Appropriate.

#### **RESPONSE:**

Subject to the above objection and without waiving same Llano County relies on the answer of Amber Milum, the Llano County Library System director, to wit:

"The only physical books that were removed or restricted were the "butt" books<sup>1</sup>, "fart" books<sup>2</sup> and "In the Night Kitchen." The "butt" books and "In the Night Kitchen" were located in the children's

---

<sup>1</sup> "butt" books – "I Need A New Butt!", "I Broke My Butt!", "My Butt is So Noisy!" – Author, Dawn McMillan

<sup>2</sup> "fart" books – "Harvey the Heart Had Too Many Farts", Gary The Goose and His Gas on The Loose", "Freddie the Farting Snowman", Larry The Farting Leprechaun" – Author, Jane Bexley


section of the Llano library. The "fart" books were ordered and delivered yet were never placed in the children's section.

The children's section is an area of the library in which books are located for young readers between the age of one and ten years of age. "Butt" books and "fart" books are picture books that, according to the publisher, are for ages between one and eight years of age.

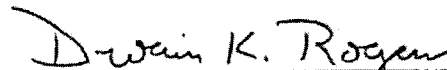
"Butt" books are children picture books depicting small children displaying their naked buttocks to various individuals, some of whom are adults.

"Fart" books are also picture books.

SIGNED on June 22, 2022.

  
**Ron Cunningham, Llano County Judge**  
801 Ford Street, Room 101  
Llano, Texas 78643

On behalf of this Defendant, we have made the above Objections.

  
**Dwain K. Rogers**  
Attorney in Charge  
Texas Bar No. 00788311  
County Attorney

**Matthew L. Rienstra**  
First Assistant County Attorney  
Texas Bar No. 16908020

Llano County Attorney's Office  
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Counsel for Defendants



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Leila Green Little, *et al.*,  
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The State of Texas,  
Intervenor-Defendant.

Case No. 1:22-CV-00424-RP

**DEFENDANTS' RESPONSE TO PLAINTIFFS' INTERROGATORIES TO DEFENDANT  
AMBER MILUM, SET ONE**

TO: **Plaintiffs**, Leila Green Little, et al., by and through their attorneys of record, Ellen Leonida, BraunHagey & Borden, LLP, 351 California Street, 10th Floor, San Francisco, CA 94104, and Ryan A. Botkin, Wittliff | Cutter PLLC, 1209 Nueces Street, Austin, Texas 78701;  
**Defendants**, Llano County, et al., by and through their attorneys of record, Dwain K. Rogers, Llano County Attorney, Matthew L. Rienstra, First Assistant County Attorney, 801 Ford Street, Llano, Texas 78643, and by Intervenor, Ken Paxton, Attorney General of Texas, Brent Webster, First Assistant Attorney General, Shawn E. Cowles, Deputy Attorney General for Civil Litigation, Christopher D. Hilton, Chief, General Litigation Division, Landon A. Wade, Attorney in Charge, P.O. Box 12548 (MC-019), Austin, Texas 78711.

**COMES NOW** Defendant, Amber Milum, in the above entitled and numbered cause and serves her objections and answers to Plaintiff's First Set of Discovery Requests.

Respectfully submitted,

By: Dwain K. Rogers

**Dwain K. Rogers**

Attorney in Charge

Texas Bar No. 00788311

County Attorney

**Matthew L. Rienstra**

First Assistant County Attorney

Texas Bar No. 16908020

Llano County Attorney's Office

Llano County Courthouse

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Llano, Texas 78643

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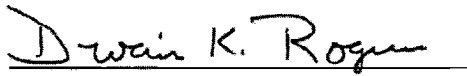
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Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants Objections, Answers, and Responses to Plaintiff's First Set of Discovery Requests was served by facsimile and electronic mail on this the 22nd day of June 2022, to the following:



**Dwain K. Rogers**  
Attorney in Charge  
Texas Bar No. 00788311  
County Attorney

**Matthew L. Rienstra**  
First Assistant County Attorney  
Texas Bar No. 16908020

Llano County Attorney's Office  
Llano County Courthouse  
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[matt.rienstra@co.llano.tx.us](mailto:matt.rienstra@co.llano.tx.us)  
Counsel for Defendants

### **OBJECTIONS TO DEFINITIONS**

Objection is made to the following definition, "INAPPROPRIATE CONTENT", as used in Plaintiff's Interrogatories to Defendant, for the following reasons:

- a. Assumes facts not in evidence;
- b. Not relevant, Defendant has not filed an answer to the Plaintiff's complaint with any defensive contention regarding: "INAPPROPRIATE CONTENT";
- c. The definitions are overbroad as applied to how the Llano County community views the term "INAPPROPRIATE" or its antonym Appropriate.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

IDENTIFY any MATERIALS that were RESTRICTED or removed from the LIBRARY SYSTEM from June 2021 to present that YOU have reason to believe were RESTRICTED or removed on the basis of INAPPROPRIATE CONTENT.

#### **OBJECTION:**

Objection is made as to the definition of "INAPPROPRIATE CONTENT," as it:

- a. Assumes facts not in evidence;
- b. Not relevant, Defendant has not filed an answer to the Plaintiff's complaint with any defensive contention regarding: "INAPPROPRIATE CONTENT";
- c. The definition is overbroad as applied to how the Llano County community views the term "INAPPROPRIATE" or its antonym Appropriate.

#### **RESPONSE:**

Subject to the above objection and without waiving same, the only physical books that were removed or restricted were the "butt" books<sup>1</sup>, "fart" books<sup>2</sup> and "In the Night Kitchen," by Maurice Sendak. The "butt" books and "In the Night Kitchen" were located in the children's section of the

---

<sup>1</sup> "butt" books – "I Need A New Butt!", "I Broke My Butt!", "My Butt is So Noisy!" – Author, Dawn McMillan

<sup>2</sup> "fart" books – "Harvey the Heart Had Too Many Farts", Gary The Goose and His Gas on The Loose", "Freddie the Farting Snowman", Larry The Farting Leprechaun" – Author, Jane Bexley

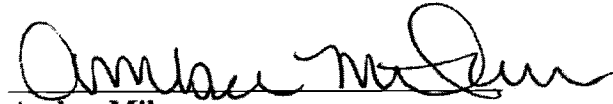
Llano library. The “fart” books were ordered and delivered yet were never placed in the children’s section.

The children’s section is an area of the library in which books are located for young readers between the age of one and ten years of age. “Butt” books and “fart” books are picture books that, according to the publisher, are for ages between one and eight years of age.

“Butt” books are children picture books depicting small children displaying their naked buttocks to various individuals, some of whom are adults.

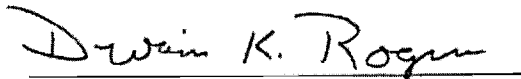
“Fart” books are also picture books.

SIGNED on 6-22, 2022.



**Amber Milum**  
102 E. Haynie Street  
Llano, Texas 78643

On behalf of this Defendant, we have made the above Objections.



**Dwain K. Rogers**  
Attorney in Charge  
Texas Bar No. 00788311  
County Attorney

**Matthew L. Rienstra**  
First Assistant County Attorney  
Texas Bar No. 16908020

Llano County Attorney’s Office  
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[matt.rienstra@co.llano.tx.us](mailto:matt.rienstra@co.llano.tx.us)  
Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT  
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Leila Green Little, *et al.*,  
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The State of Texas,  
Intervenor-Defendant.

Case No. 1:22-CV-00424-RP

**DEFENDANTS' RESPONSE TO PLAINTIFFS' INTERROGATORIES TO DEFENDANT  
JERRY DON MOSS, SET ONE**

TO: **Plaintiffs**, Leila Green Little, et al., by and through their attorneys of record, Ellen Leonida, BraunHagey & Borden, LLP, 351 California Street, 10th Floor, San Francisco, CA 94104, and Ryan A. Botkin, Wittliff | Cutter PLLC, 1209 Nueces Street, Austin, Texas 78701;  
**Defendants**, Llano County, et al., by and through their attorneys of record, Dwain K. Rogers, Llano County Attorney, Matthew L. Rienstra, First Assistant County Attorney, 801 Ford Street, Llano, Texas 78643, and by Intervenor, Ken Paxton, Attorney General of Texas, Brent Webster, First Assistant Attorney General, Shawn E. Cowles, Deputy Attorney General for Civil Litigation, Christopher D. Hilton, Chief, General Litigation Division, Landon A. Wade, Attorney in Charge, P.O. Box 12548 (MC-019), Austin, Texas 78711.

**COMES NOW** Defendant, Jerry Don Moss, in the above entitled and numbered cause and serves his objections and answers to Plaintiff's First Set of Discovery Requests.

Respectfully submitted,

By: Dwain K. Rogers

**Dwain K. Rogers**

Attorney in Charge

Texas Bar No. 00788311

County Attorney

**Matthew L. Rienstra**

First Assistant County Attorney

Texas Bar No. 16908020

Llano County Attorney's Office

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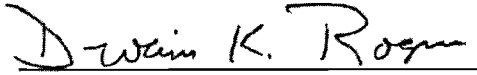
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[matt.rienstra@co.llano.tx.us](mailto:matt.rienstra@co.llano.tx.us)

Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants Objections, Answers, and Responses to Plaintiff's First Set of Discovery Requests was served by facsimile and electronic mail on this the 22nd day of June 2022, to the following:



**Dwain K. Rogers**  
Attorney in Charge  
Texas Bar No. 00788311  
County Attorney

**Matthew L. Rienstra**  
First Assistant County Attorney  
Texas Bar No. 16908020

Llano County Attorney's Office  
Llano County Courthouse  
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[matt.rienstra@co.llano.tx.us](mailto:matt.rienstra@co.llano.tx.us)  
Counsel for Defendants

### **OBJECTIONS TO DEFINITIONS**

Objection is made to the following definition, "INAPPROPRIATE CONTENT", as used in Plaintiff's Interrogatories to Defendant, for the following reasons:

- a. Assumes facts not in evidence;
- b. Not relevant, Defendant has not filed an answer to the Plaintiff's complaint with any defensive contention regarding: "INAPPROPRIATE CONTENT";
- c. The definitions are overbroad as applied to how the Llano County community views the term "INAPPROPRIATE" or its antonym Appropriate.

### **INTERROGATORY**

#### **INTERROGATORY NO. 1:**

IDENTIFY any MATERIALS that were RESTRICTED or removed from the LIBRARY SYSTEM from June 2021 to present that YOU have reason to believe were RESTRICTED or removed on the basis of INAPPROPRIATE CONTENT.

#### **OBJECTION:**

Objection is made as to the definition of "INAPPROPRIATE CONTENT," as it:

- a. Assumes facts not in evidence;
- b. Not relevant, Defendant has not filed an answer to the Plaintiff's complaint with any defensive contention regarding: "INAPPROPRIATE CONTENT";
- c. The definition is overbroad as applied to how the Llano County community views the term "INAPPROPRIATE" or its antonym Appropriate.

#### **RESPONSE:**

Subject to the above objection and without waiving same, Jerry Don Moss relies on the answer of Amber Milum, the Llano County Library System director, to wit:

"The only physical books that were removed or restricted were the "butt" books<sup>1</sup>, "fart" books<sup>2</sup> and "In the Night Kitchen", by Maurice Sendak. The "butt" books and "In the Night Kitchen" were

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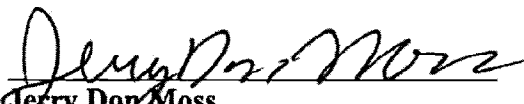
located in the children's section of the Llano library. The "fart" books were ordered and delivered yet were never placed in the children's section.

The children's section is an area of the library in which books are located for young readers between the age of one and ten years of age. "Butt" books and "fart" books are picture books that, according to the publisher, are for ages between one and eight years of age.

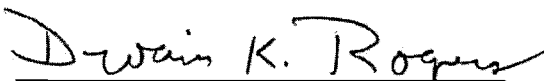
"Butt" books are children picture books depicting small children displaying their naked buttocks to various individuals, some of whom are adults.

"Fart" books are also picture books.

SIGNED on 6-22, 2022.

  
**Jerry Don Moss**  
2001 N. State Hwy 16, Suite B  
Llano, Texas 78643

On behalf of this Defendant, we have made the above Objections.

  
**Dwain K. Rogers**  
Attorney in Charge  
Texas Bar No. 00788311  
County Attorney

**Matthew L. Rienstra**  
First Assistant County Attorney  
Texas Bar No. 16908020

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Counsel for Defendants



**IN THE UNITED STATES DISTRICT COURT  
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Leila Green Little, *et al.*,  
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Case No. 1:22-CV-00424-RP

**DEFENDANTS' RESPONSE TO PLAINTIFFS' INTERROGATORIES TO DEFENDANT  
BONNIE WALLACE, SET ONE**

TO: **Plaintiffs**, Leila Green Little, et al., by and through their attorneys of record, Ellen Leonida, BraunHagey & Borden, LLP, 351 California Street, 10th Floor, San Francisco, CA 94104, and Ryan A. Botkin, Wittliff | Cutter PLLC, 1209 Nueces Street, Austin, Texas 78701;  
**Defendants**, Llano County, et al., by and through their attorneys of record, Dwain K. Rogers, Llano County Attorney, Matthew L. Rienstra, First Assistant County Attorney, 801 Ford Street, Llano, Texas 78643, and by Intervenor, Ken Paxton, Attorney General of Texas, Brent Webster, First Assistant Attorney General, Shawn E. Cowles, Deputy Attorney General for Civil Litigation, Christopher D. Hilton, Chief, General Litigation Division, Landon A. Wade, Attorney in Charge, P.O. Box 12548 (MC-019), Austin, Texas 78711.

**COMES NOW** Defendant, Bonnie Wallace, in the above entitled and numbered cause and serves her objections and answers to Plaintiff's First Set of Discovery Requests.

Respectfully submitted,

By: Dwain K. Rogers

**Dwain K. Rogers**

Attorney in Charge

Texas Bar No. 00788311

County Attorney

**Matthew L. Rienstra**

First Assistant County Attorney

Texas Bar No. 16908020

Llano County Attorney's Office

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801 Ford Street

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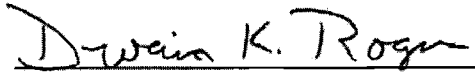
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Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants Objections, Answers, and Responses to Plaintiff's First Set of Discovery Requests was served by facsimile and electronic mail on this the 22nd day of June 2022, to the following:



**Dwain K. Rogers**  
Attorney in Charge  
Texas Bar No. 00788311  
County Attorney

**Matthew L. Rienstra**  
First Assistant County Attorney  
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[matt.rienstra@co.llano.tx.us](mailto:matt.rienstra@co.llano.tx.us)  
Counsel for Defendants

### **OBJECTIONS TO DEFINITIONS**

Objection is made to the following definitions, "LIBRARY BOARD", "SEXUAL CONTENT", and "INAPPROPRIATE CONTENT", as used in Plaintiff's Request for Admissions, for the following reasons:

- a. Assumes facts not in evidence;
- b. Not relevant, Defendant has not filed an answer to the Plaintiff's complaint with any defensive contention regarding: "INAPPROPRIATE CONTENT";
- c. The definitions are overbroad as applied to how the Llano County community views the term "INAPPROPRIATE" or its antonym Appropriate.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

IDENTIFY any MATERIALS that were RESTRICTED or removed from the LIBRARY SYSTEM from June 2021 to present that YOU have reason to believe were RESTRICTED or removed on the basis of INAPPROPRIATE CONTENT.

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- b. Not relevant, Defendant has not filed an answer to the Plaintiff's complaint with any defensive contention regarding: "INAPPROPRIATE CONTENT";
- c. The definition is overbroad as applied to how the Llano County community views the term "INAPPROPRIATE" or its antonym Appropriate.

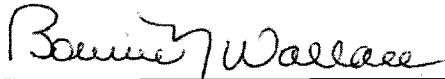
#### **RESPONSE:**

I am a private citizen and not an employee of the county. The only knowledge I possess is second hand. I have heard that "butt" books<sup>1</sup> were removed and possibly "In the Night Kitchen", by Maurice Sendak.

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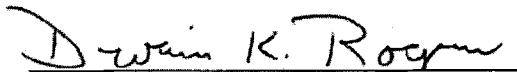
<sup>1</sup> "butt" books – "I Need A New Butt!", "I Broke My Butt!", "My Butt is So Noisy!" – Author, Dawn McMillan

SIGNED on 6-22, 2022.



**Bonnie N. Wallace**  
1681 R.R. 2323  
Llano, Texas 78643

On behalf of this Defendant, we have made the above Objections.



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Counsel for Defendants

# **EXHIBIT 2**

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION  
LEILA GREEN LITTLE, ET \*  
AL., \*  
PLAINTIFFS, \*  
VS. \* CIVIL ACTION NO.  
\* 1:22-CV-00424-RP  
LLANO COUNTY, ET AL., \*  
DEFENDANTS \*

\*\*\*\*\*  
ORAL AND VIDEOTAPED DEPOSITION OF  
AMBER MILUM  
JUNE 28, 2022  
(REPORTED REMOTELY)  
\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF AMBER  
MILUM, produced as a witness at the instance of the  
PLAINTIFF(S), and duly sworn, was taken in the  
above-styled and numbered cause on JUNE 28, 2022,  
from 9:14 A.M. to 1:19 P.M., before AMY PRIGMORE,  
CSR, in and for the State of Texas, reported by  
stenographic means, at the offices of THE WITNESS,  
Llano, Texas, pursuant to the Federal Rules of  
Civil Procedure, the First Emergency Order  
Regarding the COVID-19 State of Disaster, and the  
provisions stated on the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFF(S):  
(REMOTELY)

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1 ALSO PRESENT (REMOTELY):

Austin Redcay, Videographer

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## P R O C E E D I N G S

\* \* \*

THE VIDEOGRAPHER: We are on the 09:14:13  
record at 9:14 a.m. This begins the video recorded 09:14:33  
deposition of Amber Milum, taken in the matter of 09:14:37  
Leila Green Little, et al, versus Llano County, et 09:14:42  
al. 09:14:47

This deposition is being held 09:14:48  
remotely. My name Austin Redcay, and I'm the 09:14:49  
videographer. The court reporter is Amy Prigmore, 09:14:53  
both of us representing Veritext. 09:14:55

Will counsel please introduce 09:14:57  
themselves for the record, after which the reporter 09:14:59  
will swear in the witness. 09:15:01

MR. GHOSH: My name is Pratik Ghosh. 09:15:02  
That is P-R-A-T-I-K, G-H-O-S-H, of the law firm of 09:15:04  
Braun Hagey & Borden, on behalf of Plaintiffs. 09:15:10

MR. ROGERS: My name is Dwain 09:15:13  
Rogers, D-W-A-I-N, R-O-G-E-R-S, Llano County 09:15:14  
attorney, representing the County and Amber Milum. 09:15:18

MR. MITCHELL: Jonathan Mitchell, 09:15:23  
J-O-N-A-T-H-A-N, M-I-T-C-H-E-L-L, of Mitchell Law, 09:15:26  
LLC, representing the County and Amber Milum. 09:15:33

AMBER MILUM,  
having been first duly sworn, testified as follows:

1 And then it goes on to -- to describe 09:39:37

2 MUSTIE. 09:39:39

3 Do -- do you see where it says that? 09:39:41

4 A. Yes. 09:39:42

5 Q. Directly under that, it says: Decisions are 09:39:42

6 based on some combination of these criteria; that 09:39:46

7 is, an item will probably not be discarded based on 09:39:48

8 meeting only one of these criteria. 09:39:52

9 Do you agree with that statement? 09:39:54

10 A. Yes. 09:39:56

11 Q. Then it goes on to say: Other criteria that 09:40:02

12 might also be considered include age, condition, 09:40:10

13 frequency of use/circulation, multiple -- multiple 09:40:13

14 copies, and currency/accuracy. 09:40:17

15 Do you agree with that sentence? 09:40:20

16 A. Yes. 09:40:22

17 Q. Okay. Within the -- the CREW weeding 09:40:23

18 method, is there any principle that states that 09:40:34

19 librarians should remove books that they disagree 09:40:40

20 with? 09:40:44

21 A. I'm sorry. Repeat that again. 09:40:45

22 Q. Sure. Within the CREW review method, are 09:40:48

23 there any principles that state that librarians 09:40:55

24 should remove books that they disagree with? 09:40:59

25 A. No. 09:41:01

1 the -- who put the book in the library? 09:50:04

2 A. I -- I don't remember. 09:50:06

3 Q. Okay. Do you remember weeding the book? 09:50:07

4 A. No. 09:50:11

5 Q. Let's go to another book that was removed 09:50:14

6 that same day, called, Being Jazz, My Life as a 09:50:20

7 (Transgender) Teen, by Jazz Jennings. 09:50:27

8 Do you have any knowledge of this title? 09:50:29

9 A. Yes. 09:50:31

10 Q. Okay. And what is your, I guess, knowledge 09:50:31

11 of the title? 09:50:35

12 A. I -- I've seen it on the shelves. I've 09:50:37

13 never read it. 09:50:39

14 Q. Okay. It looks like this book was also 09:50:40

15 weeded on November 12, 2021. 09:50:46

16 Is that right? 09:50:48

17 A. Yes. 09:50:48

18 Q. Do you know why it was weeded? 09:50:50

19 A. Because it had not been getting checked out. 09:50:57

20 Q. And is -- is the practice -- is -- is the -- 09:50:59

21 what is the rule with regards to a book that isn't 09:51:07

22 checked out very frequently? 09:51:11

23 A. If it's not getting checked out at least 09:51:11

24 within three years, we will weed it, because it's 09:51:15

25 just -- it's wasting space, when we could put 09:51:21

1 something else on the shelves. 09:51:25

2 Q. Okay. And is it your testimony today that 09:51:25

3 that was the only reason why Being Jazz was weeded? 09:51:32

4 A. Yes. 09:51:37

5 Q. It wasn't weeded for any other reason? 09:51:38

6 A. No. 09:51:40

7 Q. I just want to direct your attention -- 09:51:40

8 actually, before I do that, if I wanted to check 09:51:51

9 out, Caste: The Origins of Our Discontents, would I 09:51:53

10 be able to do that from the Llano County Library, 09:52:00

11 assuming I had a library card? 09:52:05

12 A. It doesn't look like it's in the system, but 09:52:06

13 if we had it, you would be able to. 09:52:08

14 Q. And it looks like that book was, in fact, 09:52:10

15 checked out last January, January 22nd, and two 09:52:13

16 more times other than that. 09:52:18

17 Do you see that? 09:52:20

18 A. Yes. 09:52:20

19 Q. Okay. So, given that it has been checked 09:52:20

20 out in the last three years, at least three times, 09:52:25

21 do you know why it would be weeded? 09:52:30

22 A. I -- I don't. I don't know. It -- it could 09:52:32

23 have been damaged, when they brought it back. I -- 09:52:40

24 I don't remember that -- that one. 09:52:46

25 Q. Okay. I just want to direct your attention 09:52:47

1 A. Yes. 10:06:23

2 Q. Okay. So on August 5th, 2021, you wrote -- 10:06:24

3 or actually, I -- I have the order wrong. So 10:06:29

4 strike that. 10:06:31

5 It looks like Mr. Cunningham wrote to you, 10:06:39

6 on the morning of Thursday, August 5th: Amber, I 10:06:41

7 am still receiving calls, letters, and e-mails, 10:06:46

8 concerning the farts, and butts books. I think it 10:06:48

9 is best to remove these books from the shelves for 10:06:51

10 now. Thank you, Ron Cunningham. 10:06:53

11 Do you see that? 10:06:58

12 A. Yes. 10:06:58

13 Q. Okay. So here, Mr. Cunningham is telling 10:06:59

14 you to remove these books from the shelves at the 10:07:04

15 library, because of complaints. 10:07:06

16 Is that right? 10:07:08

17 MR. ROGERS: Objection; assumes 10:07:09

18 facts not in evidence. 10:07:17

19 Q. (BY MR. GHOSH) You can answer. 10:07:17

20 A. Yes. 10:07:19

21 Q. Okay. The reason that there were complaints 10:07:19

22 is because certain individuals, certain patrons, 10:07:21

23 found these books offensive. 10:07:24

24 Is that right? 10:07:25

25 MR. ROGERS: Same objection. 10:07:34

1 A. Yes. 10:07:25

2 Q. (BY MR. GHOSH) Okay. So the reason you 10:07:26

3 ultimately removed these books from the shelves is 10:07:29

4 because certain individuals found these books 10:07:30

5 offensive? 10:07:33

6 MR. ROGERS: Same objection. 10:07:34

7 A. Yes. 10:07:35

8 Q. (BY MR. GHOSH) And you were directed to do 10:07:36

9 so by one of the individuals you described as your 10:07:42

10 supervisor, Mr. Ron Cunningham. 10:07:44

11 Is that right? 10:07:46

12 A. Yes. 10:07:46

13 Q. Okay. A few hours later, you respond to 10:07:47

14 Mr. Cunningham's e-mail, on Thursday, August 5th, 10:07:54

15 2021, at what looks like 11:38 a.m. 10:07:57

16 You write: Yes, sir. Commissioner Moss 10:08:00

17 suggested that as well. The, quote, unquote, fart 10:08:02

18 books have never been on the shelves. I will 10:08:05

19 delete them out of the system. The other two, 10:08:08

20 quote, unquote, butt books have been checked out. 10:08:11

21 So I am waiting for them to return so I can delete 10:08:13

22 them as well. I'm sorry for all the problems. 10:08:16

23 So were these the only books that were 10:08:27

24 causing what you describe as problems in the 10:08:30

25 library? 10:08:33

1 A. No. 10:38:28

2 Q. Okay. Other than -- you know, you -- you 10:38:31

3 said you made the decision to purchase these butt 10:38:38

4 and fart books because you thought they would, you 10:38:41

5 know, have some value to children who wanted to 10:38:44

6 read. 10:38:46

7 Is that right? 10:38:46

8 A. Yes. 10:38:46

9 Q. Did any patrons request that you purchase 10:38:48

10 these books? 10:38:53

11 A. No. 10:38:54

12 Q. Okay. In the last year, have any patrons 10:38:54

13 requested that you purchase books regarding the 10:39:03

14 LGBTQ subject area? 10:39:06

15 A. Probably. I don't know off the top of my 10:39:08

16 head. 10:39:18

17 Q. Okay. So -- so when you say probably, I 10:39:18

18 guess, what are you basing that answer off of? 10:39:25

19 A. I know that I've had a few. I -- I just 10:39:27

20 don't know when they were or what they were. I 10:39:39

21 don't -- I don't remember. 10:39:43

22 Q. Got it. And -- and just like certain people 10:39:43

23 were angry about these, you know, quote, butt or 10:39:52

24 fart books, you also received letters and e-mails 10:39:55

25 that you produced to us, of people that had 10:39:58



1 books on this list? 10:54:48

2 MR. ROGERS: Same objection. 10:54:51

3 A. It wasn't to review books on this list. 10:54:52

4 Q. (BY MR. GHOSH) Oh, okay. So, what was it 10:54:55  
5 for, then? 10:54:57

6 A. It was to just review every book on our 10:54:58  
7 shelf, to get -- to know what we actually had, 10:55:01  
8 because we were all new to the -- to the library. 10:55:03

9 Q. And that happened in November of 2021? 10:55:08

10 A. November or December. 10:55:11

11 Q. Okay. So after you received this list, you 10:55:18  
12 did a comprehensive review of every book in your 10:55:21  
13 library, just to see what you had? 10:55:24

14 A. Yes. 10:55:26

15 Q. Okay. How -- how often do you do a 10:55:26  
16 comprehensive review of every book in the library? 10:55:30

17 A. We do a -- a weeding every August. 10:55:32

18 Q. And what does -- what -- were you at the 10:55:39  
19 meeting in August 2019? 10:55:43

20 A. What meeting? 10:55:52

21 Q. The -- the one you just testified to, the 10:55:53  
22 one where you conduct sort of this comprehensive 10:55:55  
23 review of books. 10:55:58

24 A. Oh. Just every August, each library will 10:56:00  
25 either print out a report, or go to the shelves, 10:56:04



1 year? 11:03:14

2 A. No. Most people will look at our catalog, 11:03:14

3 and if they don't see it, then they know it's not 11:03:25

4 in our system. 11:03:28

5 Q. Okay. But nobody has specifically come to 11:03:29

6 you, asking for that book, or other similar books? 11:03:31

7 A. I -- I don't recall. We could have it on 11:03:34

8 our request list. 11:03:36

9 Q. Okay. Okay. 11:03:36

10 Here, it says there is a book -- and I will 11:03:42

11 highlight it for you right now. It's this column 11:03:48

12 right here (indicating). 11:03:50

13 And under the purchased by category, it says 11:03:50

14 that you purchased the book, and it was added to 11:03:53

15 the system October 22nd, 2020. And the book is 11:03:55

16 called, How to Be an Antiracist. 11:03:59

17 Do you remember that book? 11:04:03

18 A. A little bit. I remember the title. 11:04:04

19 Q. Okay. Do you know how this book made its 11:04:10

20 way onto Ms. Wallace's list? 11:04:14

21 A. No. 11:04:16

22 Q. Okay. Is that a book that you were ever 11:04:18

23 asked to remove? 11:04:24

24 A. No. 11:04:26

25 Q. Okay. Did you ever restrict any books 11:04:26

1 related -- actually, strike that, please. 11:04:33

2 If I were to say the acronym, CRT, would it 11:04:37

3 mean anything to you? 11:04:43

4 A. Critical race theory. 11:04:44

5 Q. Okay. And you're familiar with that term, 11:04:46

6 generally? 11:04:50

7 A. A little, yeah. 11:04:50

8 Q. Does the library keep books about that 11:04:51

9 subject matter, critical race theory? 11:04:55

10 A. I believe we have the book at the Kingsland 11:04:57

11 Library. 11:05:02

12 Q. Okay. Were you ever asked to restrict 11:05:02

13 access to that book? 11:05:05

14 A. No. 11:05:07

15 Q. Okay. You never put that book behind the 11:05:07

16 front desk so that people would have to ask you for 11:05:20

17 it? 11:05:24

18 A. I believe I did, yeah. 11:05:25

19 Q. And -- 11:05:26

20 A. But we also have other books back there for 11:05:28

21 people to ask for. 11:05:31

22 Q. And how do you determine when a book, you 11:05:32

23 know, gets put behind your desk, versus put up on a 11:05:36

24 shelf for everybody to see? 11:05:40

25 A. It -- it just depends on -- on, like, what 11:05:41

1 of these books were in our teen area. So it -- it 11:12:18  
2 was just probably one that it -- it wasn't getting 11:12:23  
3 checked out as much as it should. 11:12:26

4 Q. How about this? Let me ask a slightly 11:12:28  
5 different question. 11:12:32

6 Did you remove every single book that wasn't 11:12:32  
7 checked out for three years, or slightly less? 11:12:34

8 A. Probably, yeah, so that way, we could get 11:12:37  
9 new books in that area. 11:12:42

10 Q. So there are currently no books in the Llano 11:12:43  
11 County Library that haven't been checked out for 11:12:51  
12 three years, or slightly less? 11:12:53

13 A. No. There -- there probably is, yes. 11:12:55

14 Q. Okay. And the reason why Spinning and Shine 11:13:01  
15 were selected to be weeded is because you looked at 11:13:04  
16 them because Ms. Wallace had them on her list. 11:13:08

17 Isn't that right? 11:13:11

18 MR. ROGERS: Objection; misstates 11:13:12  
19 testimony. 11:13:13

20 A. I'm sorry. Repeat that. 11:13:14

21 Q. (BY MR. GHOSH) The reason that Shine and 11:13:15  
22 Spinning were selected to be weeded and reviewed to 11:13:19  
23 be weeded, as opposed to other books, were because 11:13:22  
24 Ms. Wallace had them on her list. 11:13:27

25 Isn't that right? 11:13:31

1 two -- within the last three years. 11:15:53

2 A. Right. 11:15:57

3 Q. But it was still weeded. 11:15:57

4 A. And sometimes, we would -- we used to check 11:15:59

5 out new books, other books, to our display. And 11:16:01

6 so, that would actually show a checkout. But then 11:16:04

7 when you would go and look at the report, a person 11:16:07

8 might not have checked it out, you know, but it was 11:16:09

9 on display four times, or -- you -- you know. 11:16:12

10 It -- it could have been that as well. I don't 11:16:14

11 recall. 11:16:16

12 Q. Yeah. And are you able to -- to pull a 11:16:16

13 report, in -- in your sort of ordinary course, of 11:16:20

14 books that haven't been checked out in the last 11:16:26

15 three years, but are still on the shelf? 11:16:28

16 A. Yes. I could probably do a report like 11:16:30

17 that. 11:16:34

18 MR. GHOSH: Okay. I -- I think 11:16:42

19 we're going to take a break in one second. Dwain, 11:16:43

20 we -- we would like to request that -- that report. 11:16:46

21 I understand you may have 11:16:50

22 objections, and -- and, you should state them on 11:16:51

23 the record now. But we would just like to make 11:16:53

24 that document request, if possible. 11:16:55

25 MR. ROGERS: All right. 11:17:01

1 MR. GHOSH: And to be clear about 11:17:02  
2 it, we're just asking for the spreadsheet of books 11:17:03  
3 that have not been checked out in the past three 11:17:07  
4 years, but are still available to be checked out 11:17:09  
5 from the library system. 11:17:11

6 And if -- and sorry. Court 11:17:14  
7 Reporter, if you could just wait for Mr. Rogers to 11:17:16  
8 lodge any response or objection before going off 11:17:19  
9 the record. I don't want to cut him off. 11:17:22

10 MR. ROGERS: Sure. And I guess -- I 11:17:25  
11 guess the first thing I would object to is that it 11:17:27  
12 sounds like that document doesn't exist. And I 11:17:29  
13 don't think we have a -- an RFP on file that would 11:17:32  
14 be -- that that would necessarily even be 11:17:37  
15 responsive to. 11:17:42

16 But, I guess, if we can -- perhaps, 11:17:50  
17 what we can do, Pratik, is talk offline and -- 11:17:52

18 MR. GHOSH: Yeah. That -- that's 11:17:56  
19 totally fine. I just wanted to give you the 11:17:57  
20 opportunity -- I made a request. I didn't want 11:17:58  
21 to -- I didn't want to have the last request for no 11:18:00  
22 reason -- 11:18:02

23 (Multiple voices.) 11:18:03

24 MR. ROGERS: Understood. 11:18:03  
25 Understood. But I will lodge those objections at 11:18:04



1 have been deleted for that. 11:45:18

2 Q. You don't -- you don't know that it was 11:45:22  
3 damaged, correct? 11:45:24

4 A. Correct. 11:45:25

5 Q. One way or another? 11:45:25

6 A. Right. I -- I don't remember. 11:45:27

7 Q. And there's no actual record of it being 11:45:29  
8 damaged. There's not, like, a piece of paper that 11:45:33  
9 says, hey, these books were damaged when we 11:45:34  
10 reviewed them. 11:45:36

11 A. No. 11:45:37

12 Q. Okay. But there is a record of Ms. Wallace 11:45:37  
13 complaining about it, and disagreeing with it, and 11:45:44  
14 calling books like this filth, right? 11:45:50

15 MR. ROGERS: Objection; assumes 11:45:56  
16 facts not in evidence, vague. 11:45:58

17 Q. (BY MR. GHOSH) You can answer the question. 11:45:59

18 A. In the e-mail, yes. 11:46:01

19 Q. And shortly after she made that description 11:46:02  
20 of this book, it was removed, right? 11:46:06

21 A. Yes. 11:46:08

22 Q. The next book, Being Jazz, My Life as a 11:46:08  
23 (Transgender) Teen -- Teen, sorry, by Jazz 11:46:16  
24 Jennings. This book was on Ms. Wallace's list, 11:46:19  
25 right? 11:46:25

1 Ms. Bonnie Wallace asked that the board get 12:02:29  
2 approval rights for any new purchases you make on 12:02:32  
3 the library? 12:02:41

4 A. Yes. 12:02:42

5 Q. And what was your reaction to that? 12:02:42

6 A. I went and, I believe, gave them a list of 12:02:44  
7 what we were looking at. 12:02:59

8 Q. Okay. Has the library board ever sought to 12:03:00  
9 reverse or change any purchasing decisions that 12:03:16  
10 you've made? 12:03:19

11 A. Yes. 12:03:19

12 Q. Okay. And how many times has that happened? 12:03:22

13 A. Once. 12:03:26

14 Q. Okay. Do you know when that occurred? 12:03:28

15 A. Possibly March. 12:03:38

16 Q. Okay. And do you know what the objection -- 12:03:50  
17 what the board's objection was to the books you 12:03:55  
18 purchased or you wanted to purchase, I guess? 12:03:59

19 A. They didn't believe that the patrons would 12:04:02  
20 check them out. 12:04:06

21 Q. Okay. And did they give you a reason why? 12:04:09

22 A. They didn't believe that it was right for 12:04:11  
23 our demographics. 12:04:17

24 Q. For -- for which demographic? 12:04:18

25 A. Llano County. 12:04:22

1 whole thing, and adults were -- were around. Just 12:36:54

2 like the -- the butt book. 12:37:01

3 Q. I see. And was In the Night Kitchen meant 12:37:02

4 for adults? 12:37:11

5 A. No. 12:37:11

6 Q. This was another children's book. 12:37:12

7 Is that right? 12:37:14

8 A. Yes. 12:37:14

9 Q. Okay. And these complaints were 12:37:15

10 principally -- were they by adults or were they 12:37:23

11 made by children? 12:37:25

12 A. Neither. 12:37:26

13 Q. So, who -- who made these complaints? 12:37:26

14 A. No one made a complaint about the book. It 12:37:28

15 was brought to our attention, when we were going 12:37:32

16 through everything, the -- the collection. 12:37:36

17 Q. And why was this book removed without any 12:37:38

18 complaints? 12:37:48

19 A. With everything that was going on and being 12:37:48

20 said, and us looking through our collection, about 12:37:59

21 all of the sexual content or nudity, that book just 12:38:06

22 kind of fell into the -- the nudity part. And so, 12:38:14

23 it was just being looked at more. 12:38:21

24 Q. And so, the major concern here was that you 12:38:23

25 really didn't want to incite any sort of 12:38:26



1 unnecessary controversy or backlash where you 12:38:30

2 didn't need to. 12:38:33

3 Is that right? 12:38:34

4 A. Right. 12:38:34

5 Q. Okay. So it was just kind of easier to just 12:38:35

6 remove these books -- this book specifically? 12:38:40

7 A. With -- with the content in it, and that it 12:38:43

8 was a very old book. Yes, it was getting checked 12:38:52

9 out. It was kind of worn. So that just kind of, 12:38:57

10 you know, went with it, for -- for me to -- to weed 12:39:02

11 it. 12:39:06

12 Q. Got it. I want to talk about -- actually, 12:39:06

13 let -- let's just go back to In the Night Kitchen 12:39:14

14 just very briefly. 12:39:18

15 Did you -- did you have, like, a record of 12:39:19

16 the book being worn? 12:39:22

17 A. No. It -- it's mainly when -- when we're 12:39:23

18 looking at them, assessing, you know, the whole 12:39:27

19 book. But it -- I -- I believe that book was added 12:39:31

20 in '99. So it did have some -- some wear on it. 12:39:34

21 Q. But it was -- it was still being checked 12:39:41

22 out, right -- 12:39:43

23 A. Yes. 12:39:43

24 Q. -- by -- by patrons? 12:39:43

25 A. Yes, it was. 12:39:44

1 Q. It was a popular book. 12:39:45

2 Was there any thought about maybe just 12:39:48

3 replacing it? 12:39:50

4 A. I -- I'm not sure if that was on my list or 12:39:50

5 not. 12:39:55

6 Q. Okay. 12:39:57

7 A. Possibly. 12:39:58

8 Q. Yeah. I just briefly want to go back to 12:39:59

9 November of 2021 now. You had received a sort of 12:40:03

10 directive, from commissioner -- or sorry, County 12:40:13

11 Judge Cunningham, as a result of the list that 12:40:17

12 Bonnie Wallace had circulated to him and others. 12:40:22

13 And you began what you describe as a compressive 12:40:25

14 review of books for depictions of nudity, and other 12:40:27

15 content like that. 12:40:30

16 Is that right? 12:40:30

17 A. Yes. 12:40:31

18 MR. ROGERS: Object as compound, 12:40:32

19 vague, misstating testimony. 12:40:33

20 Q. (BY MR. GHOSH) Okay. You said that you 12:40:38

21 conducted this review, with other individuals. 12:40:40

22 Is that right? 12:40:43

23 A. Yes. 12:40:44

24 Q. Okay. When you were conducting this review 12:40:44

25 of content, for things that may have been offensive 12:40:52

1 COUNTY OF HARRIS

2 STATE OF TEXAS

3  
4 REPORTER'S CERTIFICATE

5  
6 I, AMY PRIGMORE, Certified Shorthand  
7 Reporter in and for the State of Texas, hereby  
8 certify that this transcript is a true record of  
9 the testimony given remotely by the witness named  
10 herein, after said witness was duly sworn remotely  
11 by me.

12 I further certify that the deposition  
13 transcript was submitted on \_\_\_\_\_,  
14 \_\_\_\_\_ to the witness or to the attorney for the  
15 witness for examination, signature, and return to  
16 me by \_\_\_\_\_.

17 I further certify the amount of time used  
18 by each party at the deposition is as follows:

19 Pratik Ghosh - (00h00m)

Dwain K. Rogers - (00h00m)

20 Jonathan F. Mitchell - (00h00m)

Landon A. Wade - (00h00m)

21  
22 I further certify that I am neither  
23 attorney nor counsel for, related to, nor employed  
24 by any of the parties to the action in which this  
25 testimony was taken. Further, I am not a relative

Page 157

1 or employee of any attorney of record in this  
2 cause, nor do I have a financial interest in the  
3 action.

4 SUBSCRIBED AND SWORN TO by the undersigned  
5 on this the 5TH day of JULY, 2022.

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AMY PRIGMORE, Texas, CSR 3929

15 Expiration Date: 4/30/2023  
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# **EXHIBIT 3**

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Leila Green Little, et §  
al., §  
§ Civil Action No.  
Plaintiffs, § 1:22-cv-00424-RP  
§  
v. §  
§  
Llano County, et al., §  
§  
Defendants. §

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REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
JERRY DON MOSS  
June 28, 2022

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REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
JERRY DON MOSS, located in the Law Library, Llano  
County Courthouse, 801 Ford Street Llano, Texas,  
produced as a witness at the instance of the  
Plaintiffs, and duly sworn, taken in the above-styled  
and numbered cause on June 28, 2022, from 1:31 p.m. to  
4:18 p.m., before Joseph D. Hendrick, Certified  
Shorthand Reporter in and for the State of Texas,  
reported by machine shorthand, pursuant to Notice and  
the Federal Rules of Civil Procedure and any provisions  
stated on the record or attached hereto.

Job No. 5299892

Page 1

A P P E A R A N C E S  
(All Appearing Remotely Via Zoom)

FOR THE PLAINTIFFS:

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Sarah Salomon  
Pratik Ghosh  
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Jonathan F. Mitchell  
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jonathan@mitchell.law

ALSO PRESENT:

Landon A. Wade  
Office of the Attorney General of Texas  
209 W. 14th St.  
Austin, TX 78701-1614  
Norm Harris, Videographer

1 - - -

2 P R O C E E D I N G S

3 (June 28, 2022 - 1:31 p.m.)

4 - - -

5 THE VIDEOGRAPHER: We are going on the  
6 record at 1:31 p.m.

7 My name is Norm Harris representing  
8 Veritext.

9 The date today is June the 28th, 2022.

10 This deposition is being conducted remotely  
11 using virtual technology and is being taken by counsel  
12 for the plaintiff.

13 The caption of the case is Leila Green  
14 Little, et al., versus Llano County, et al.

15 This case is filed in the United States  
16 District Court, Western District of Texas, Austin  
17 Division, Case Number 1:22-cv-00424-RP.

18 The name of the witness is Jerry Don Moss.

19 Attorneys, please state your appearance as  
20 well as your location.

21 MS. LEONIDA: This is Ellen Leonida for  
22 plaintiffs, and I am in San Francisco, California.

23 MR. ROGERS: Dwain Rogers, Llano County  
24 Attorney for the County and Commissioner Moss, and I am  
25 in Llano, Texas.



1 MR. MITCHELL: Jonathan Mitchell, counsel  
2 for the County and Commissioner Moss, from Mitchell  
3 Law, PLLC. I am in Austin, Texas.

4 THE VIDEOGRAPHER: Okay. Our court  
5 reporter will swear in the witness.

6 THE REPORTER: Would you raise your right  
7 hand, please.

8 THE WITNESS: (Complied)

9 THE REPORTER: Do you swear or affirm that  
10 the testimony you are about to give in this case will  
11 be the truth, the whole truth, and nothing but the  
12 truth, so help you God?

13 THE WITNESS: I do.

14 JERRY DON MOSS

15 having been duly sworn, testified as follows:

16 EXAMINATION

17 BY MS. LEONIDA:

18 Q. Good afternoon, Mr. Moss.

19 A. Good afternoon. How are you?

20 Q. I'm well. How are you?

21 A. Good.

22 Q. Have you ever been deposed before?

23 A. No, ma'am.

24 Q. Have you ever had to testify about  
25 anything?

Page 6

1 renting the meeting room.

2 Q. Okay. So I want to talk now about the  
3 Materials Selection Policy. And having learned my  
4 lesson from the last two series of questions, I'm just  
5 going to put it on the screen for you now.

6 A. Thank you. Okay.

7 Q. So, can you see this Materials Selection  
8 Policy?

9 A. Yes, ma'am.

10 Q. And this is the policy that applies now  
11 from August of twenty oh -- from 2006 to now, it's the  
12 current policy, right?

13 A. I believe so.

14 Q. Can you read the highlighted part of that  
15 policy? I can make it bigger for you.

16 A. Do you want me to read it out loud?

17 Q. Yes, please.

18 A. Just the highlighted part?

19 Q. Just the highlighted part.

20 A. "'In no case should any book be excluded  
21 because of race or nationality or the political or  
22 religious views of the writer. There should be the  
23 fullest practicable -- practicable provision of  
24 material presenting all points of view concerning the  
25 problems and issues of our times ... international,

1 national and local; and media or other reading  
2 materials of sound factual authority should not be  
3 proscribed or removed from the library shelves because  
4 of partisan or doctrinal disapproval'. The library  
5 does not promulgate particular beliefs or view -- or  
6 views, nor is the selection of any given media  
7 equivalent or -- to endorsement of the viewpoint of the  
8 author expressed" herein. "...therein." Sorry.

9 Q. Thank you. Do you -- do you agree with  
10 that, with that, personally --

11 A. Yes --

12 Q. -- that policy?

13 A. Yes, I do.

14 Q. And that is definitely the county's policy,  
15 correct?

16 A. Yes, ma'am, I think so.

17 Q. So, the fact that a book exists in Llano  
18 County Library System doesn't mean that -- that the  
19 county agrees with what that book says, correct?

20 A. Will you repeat that?

21 Q. Sure. The fact that a book is in the Llano  
22 County Library System doesn't mean that Llano County  
23 agrees with what that book says, does it?

24 A. I -- I don't -- I don't guess. I don't  
25 know. I don't have any idea what all the books are in

1 things you want me to look at. Huh. Yeah, I see some  
2 of that.

3 Q. Okay. Just let me know when you're done.  
4 I have -- I --

5 A. Okay.

6 Q. -- just have some follow-up questions about  
7 this.

8 A. Okay. Hold on a second, please. Okay.  
9 I've read all of that that is on the screen.

10 Q. Okay. So the first question that I have is  
11 you see there's a reference there that I highlighted  
12 about, "Commissioner Moss and Judge Cunningham have  
13 instructed Amber, the head librarian, to remove certain  
14 books..."?

15 A. I see that.

16 Q. Okay. What books were those?

17 A. There's something missing there and any --  
18 any books that I have talked to her about, which, once  
19 again was strictly my opinion, I made it very clear  
20 that she doesn't work under me, but was a book out -- a  
21 couple of books out of the children's section of the  
22 library -- not out of the library. The -- there's --  
23 to answer the second part of that question, there's  
24 a -- the butt books that we had talked about earlier,  
25 and I just seen the -- a part of one of them that was

1 never on the shelf to start with as far as I  
2 understand, and then there's a book that's called, It's  
3 Perfectly Normal that was in the ten-and-under section  
4 that shows people having sex.

5 Did I answer your question?

6 Q. Yes, so those are -- those are the books  
7 that Ms. -- is it Ms. or Mrs. Wells?

8 A. I don't have no idea.

9 Q. Okay.

10 A. Well, I guess it's Mrs. Wells.

11 Q. So those are the books that Mrs. Wells is  
12 talking about when she says that -- that you and Judge  
13 Cunningham have instructed Amber, the head librarian,  
14 to remove certain books?

15 A. I assume so. But I don't know what Judge  
16 Cunningham has done or hasn't done.

17 Q. Okay. Did you have a meeting with  
18 Mrs. Wells, do you remember having a meeting with  
19 Mrs. Wells around the time of this email?

20 A. I am horrible with timelines, so I'm not  
21 sure about the time of this email, but I have met with  
22 Ms. Wells before.

23 Q. Okay. Were some of those meetings before  
24 Thanksgiving of last year?

25 A. I think so, yes.

REPORTER'S CERTIFICATION

DEPOSITION OF JERRY DON MOSS

June 28, 2022

I, Joseph D. Hendrick, Notary Public and  
Certified Shorthand Reporter in the State of Texas,  
hereby certify to the following:

That the Witness, JERRY DON MOSS, was duly  
sworn by the officer and that the transcript of the  
oral deposition is a true record of the testimony given  
by the witness;

I further certify that pursuant to FRCP  
Rule 30(f)(1) the signature of the deponent:

X was requested by the deponent or  
a party before the completion of the deposition and is  
to be returned within 30 days from date of receipt of  
the transcript;

\_\_\_\_\_ was not requested by the  
deponent or a party before the completion of the  
deposition;

I further certify that the amount of time  
used by each party is as follows:

Ellen V. Leonida - 02:29:42

Sarah Salomon - 00:00:00

Pratik Ghosh - 00:00:00

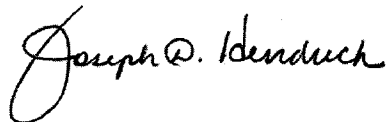
Dwain K. Rogers - 00:00:00

Jonathan F. Mitchell - 00:00:00

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken;

Further, I am not a relative or employee of any attorney of record, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to on this date:  
July 3, 2022.



Joseph D. Hendrick, CSR #947

Expiration Date: 04/30/2023

Notary Comm. Exp. 01/13/23

Veritext Legal Solutions

Firm Registration No. 571

300 Throckmorton Street, Ste. 1600

Fort Worth, TX 76102

Telephone (800) 336-4000

# **EXHIBIT 4**



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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION  
LEILA GREEN LITTLE, et )  
al., )  
Plaintiffs, )  
CIVIL ACTION  
v. ) NO. 1:22-cv-00424-RP  
LLANO COUNTY, et al., )  
Defendants. )

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
BONNIE WALLACE  
Wednesday, June 29, 2022

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
BONNIE WALLACE, produced as a witness at the instance of  
the Plaintiffs, Leila Green Little, et al., and duly  
sworn, was taken in the above-styled and numbered cause  
on the 29th of June, 2022, from 11:03 a.m. to 3:17 p.m.,  
before Sharon Ross, Certified Shorthand Reporter in and  
for the State of Texas, reported remotely by  
computerized stenotype machine, pursuant to the Texas  
Rules of Civil Procedure and/or any provisions stated on  
the record or attached hereto.  
Reported by:  
SHARON ROSS, Texas CSR #1961,  
Hawaii CSR #432, RMR, CRR, CRC  
Realtime Systems Administrator

APPEARANCES

For Plaintiffs Leila Green Little, et al.:

Ms. Sarah Salomon (via webconference)  
Ms. Ellen V. Leonida (via webconference)  
Mr. Pratik Ghosh (via webconference, when noted)  
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For Defendants Llano County, et al.:

Mr. Dwain K. Rogers (via webconference)  
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Mr. Matthew Rienstra (via webconference)  
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Mrienstra@co.llano.tx.us

- and -

Mr. Jonathan Mitchell (via webconference)  
MITCHELL LAW PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
512.686.3940  
Jonathan@mitchell.law

Also Present:

Mr. Landon Wade  
Ms. TaLeakca Yates

1	PROCEEDINGS	11:03
2	THE VIDEOGRAPHER: We are now on the record	11:03
3	for the video deposition of Bonnie Wallace.	11:03
4	The time is 11:03 a.m., June 29th, 2022, in	11:03
5	the matter of Leila Green Little, et al. versus Lane	11:03
6	County, et al., Civil Action No. 1:22-cv-00424 -- excuse	11:03
7	me; I said Lane County -- Llano County, et al., Civil	11:03
8	Action No. 1:22-cv-00424-RP, being held in the United	11:03
9	States District Court for the Western District of Texas,	11:03
10	Austin Division.	11:03
11	The court reporter is Sharon Ross. The	11:03
12	videographer is Gus Phillips, and both are	11:03
13	representatives of Veritext Court Reporting.	11:03
14	Will counsel please state their appearances	11:03
15	for the record, beginning with the plaintiff?	11:03
16	MS. SALOMON: Good morning, everyone. This	11:03
17	is Sarah Salomon of BraunHagey & Borden on behalf of	11:04
18	plaintiffs.	11:04
19	MR. ROGERS: Good morning. Dwain Rogers,	11:04
20	Llano County Attorney, representing Defendant and	11:04
21	defending the deposition today.	11:04
22	MR. MITCHELL: Jonathan Mitchell from	11:04
23	Mitchell Law PLLC representing the defendants.	11:04
24	THE VIDEOGRAPHER: Will the court reporter	11:04
25	please administer the oath?	11:04

1 THE REPORTER: Okay. Ms. Wallace, if you  
2 could raise your right hand, please, I will place you  
3 under oath.

4 BONNIE WALLACE,  
5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 BY MS. SALOMON:

8 Q. Good morning, Ms. Wallace. How are you doing 11:04  
9 today? 11:04

10 A. I'm blessed. How are you today, Sarah? 11:04

11 Q. Doing well. Could you please state your full 11:04  
12 name for the record? 11:04

13 A. Yes. My name is Bonnie Wallace. 11:04

14 Q. And, Ms. Wallace, have you been deposed before? 11:04

15 A. I have, but many years ago. 11:04

16 Q. Since it's been many years ago, I'm just going 11:05  
17 to go over a couple of, you know, ground rules for 11:05  
18 today's proceedings so that we're on the same page. 11:05  
19 Does that sound good? 11:05

20 A. Yes, ma'am. 11:05

21 Q. So even though we're appearing virtually, per 11:05  
22 the oath you swore, all the answers that you will -- you 11:05  
23 give today have to be completely true and accurate just 11:05  
24 as if you were testifying in court. 11:05

25 Do you understand that? 11:05

Page 7

1 exhibit as Exhibit 26. 11:40

2 Q. (BY MS. SALOMON) And, Ms. Wallace, you see 11:40  
3 here that this is on Chair Matt Krause's letterhead? 11:40

4 A. I see that. 11:40

5 Q. And do you understand this to be the letter 11:40  
6 transmitting that long list of books that you just 11:40  
7 mentioned? 11:40

8 A. I've never seen the letter before; but if you 11:40  
9 say it is, then I'll take your word for it. 11:40

10 Q. Got it. So I'll represent to you that the list 11:40  
11 that you were describing was attached to this letter. 11:40

12 A. That's fair. 11:40

13 Q. And Mr. Krause says to "Please identify how 11:40  
14 many copies of each book" on the -- "in the attached 11:41  
15 addendum" are in your district. 11:41

16 And then he also goes on to say, "Please 11:41  
17 identify any other books or content in your district" on 11:41  
18 "the following topics: Human sexuality, sexually 11:41  
19 transmitted diseases, or human immunodeficiencies 11:41  
20 various (HIV) or acquired immune deficiency syndrome 11:41  
21 (AIDS), sexually explicit images, graphic" 11:41  
22 representations "of sexual behavior that is in violation 11:41  
23 of the law or contain materials that might make students 11:41  
24 feel discomfort, guilt, anguish, or any ... form of 11:41  
25 psychological distress because of their race or sex or 11:41

1 convey that a student, by virtue of their race or sex, 11:41  
2 is inherently racist, sexist, or oppressive, whether 11:41  
3 consciously or unconsciously." 11:41

4 So that's a book of subjects that 11:41  
5 Representative Krause is asking districts to determine 11:42  
6 if they have books in those subjects on the shelves, 11:42  
7 right? 11:42

8 MR. ROGERS: I'll object to the extent she 11:42  
9 may not have personal knowledge, therefore, calls for 11:42  
10 speculation. 11:42

11 Q. (BY MS. SALOMON) You can go ahead. 11:42

12 A. It appear -- it appears to be, yes. 11:42

13 Q. And fair to say that Representative Krause is 11:42  
14 indicating some concern about the appropriateness of 11:42  
15 such topics? 11:42

16 A. Apparently so. 11:42

17 Q. So in or around November 2021, you were part of 11:42  
18 a community group that was looking at the Krause list; 11:42  
19 is that right? 11:42

20 A. I had never seen it. 11:42

21 Q. Were you -- 11:42

22 A. I mean, I never -- I've still never seen it 11:43  
23 until your letter right now and that wasn't the list, 11:43  
24 but I've heard about it. 11:43

25 Q. Got it. So you've heard about it? 11:43

1 Q. (BY MS. SALOMON) Did you have any 11:53  
2 conversations in the two weeks after sending the 11:53  
3 pornographic filth email with anybody about what you had 11:53  
4 raised? 11:53

5 A. Yes. 11:53

6 Q. Who did you have conversations with? 11:53

7 A. Many, many, many people who were surprised at 11:53  
8 the copy of the picture of the blowjob from Gender 11:53  
9 Queer. 11:54

10 Q. Did you have a verbal conversation with 11:54  
11 Mr. Cunningham in those -- 11:54

12 A. No. 11:54

13 Q. -- two weeks? 11:54

14 A. No. 11:54

15 Q. Did you have a conversation with Mr. Jerry Don 11:54  
16 Moss in those two weeks? 11:54

17 A. No. 11:54

18 Q. Did you have a conversation with any other 11:54  
19 county commissioner in those two weeks? 11:54

20 A. No. 11:54

21 Q. All right. And you said earlier that you had 11:54  
22 received a list of about 60 inappropriate books from 11:54  
23 Ms. Jones? 11:54

24 A. Yes. 11:54

25 Q. And just give me one second. 11:54

1 And you also attached a list of 11:55

2 inappropriate books to your email regarding pornographic 11:55

3 filth? 11:55

4 A. Yes. It was the same list. 11:55

5 Q. So I'm going to mark this document as 11:55

6 Exhibit 29. 11:55

7 And you can see here on the furthest left 11:55

8 column that this is a list of books. Is that right, 11:55

9 Ms. Wallace? 11:55

10 THE VIDEOGRAPHER: Counsel, I apologize. 11:55

11 You've accidentally shared your whole desktop instead of 11:55

12 just the document. 11:55

13 MS. SALOMON: Oh. No, I appreciate you 11:55

14 letting me know. Let me -- let me redo that. 11:55

15 Q. (BY MS. SALOMON) Is that better? 11:56

16 A. Yes. That's correct, ma'am. 11:56

17 MS. SALOMON: Thanks so much. So I'm going 11:56

18 to mark this document as Exhibit 29. 11:56

19 (Wallace Exhibit 29 marked.) 11:56

20 Q. (BY MS. SALOMON) And, Ms. Wallace, you can see 11:56

21 here that this is a list of books, right? 11:56

22 A. Yes, I see that. 11:56

23 Q. And this is a list of books that you had 11:56

24 circulated as the pornographic filth? 11:56

25 A. Yes. 11:56



1 Q. Okay. 12:44

2 A. -- they're more detailed. 12:44

3 Q. Got it. And is there a subcommittee or 12:44

4 committee that would do any kind of review of the 12:44

5 appropriateness of books that are currently on the 12:44

6 shelves? 12:44

7 A. Well, I would imagine that would be the 12:44

8 acquisitions. I don't serve on that, but I don't -- so 12:44

9 I don't know, but I don't think that they've gotten that 12:44

10 far. 12:44

11 We -- once the lawsuit hit, then we were -- 12:44

12 we were paused. We're on hiatus for the moment. 12:45

13 Q. Okay. And we spoke a little bit earlier about 12:45

14 Amber Milum. She's the head librarian, right? 12:45

15 A. Yes, ma'am. 12:45

16 Q. And Ms. Milum has been tasked with getting the 12:45

17 library board statistics and reports, if needed? 12:45

18 A. Correct. 12:45

19 Q. And she could also, for example, get you 12:45

20 financials, if that was something that the finance 12:45

21 committee needed? 12:45

22 A. Well, the finances are paid through the county 12:45

23 clerk. So we get that kind of information usually from 12:45

24 the county clerk. 12:45

25 Q. Okay. Got it. Is there any other way that 12:45

1 mistaken; and so you have access to everyone else's 14:23  
2 libraries as well. 14:23

3 (Mr. Pratik Ghosh is now present.) 14:23

4 Q. (BY MS. SALOMON) But the Llano version of it 14:23  
5 does not have any access to children's or teens' books? 14:23

6 A. Correct. 14:23

7 Q. And do you recall any kind of conversation 14:23  
8 about why Llano would restrict access to teens' and 14:23  
9 children's books? 14:23

10 A. Because of inappropriate content, I presume. 14:24

11 Q. I'm going to mark an exhibit. 14:24

12 MS. SALOMON: So this -- and I believe, 14:24  
13 Ms. Ross, we're up to Exhibit 37; is that right? 14:24

14 THE REPORTER: Yes. 14:24

15 MS. SALOMON: Great. Okay. So I'm going 14:24  
16 to mark this as Exhibit 37. 14:24

17 (Wallace Exhibit 37 marked.) 14:24

18 Q. (BY MS. SALOMON) And I'll scroll through so 14:24  
19 that you can read it. Just let me know when you're 14:24  
20 ready. 14:25

21 A. I'm ready. 14:25

22 Q. So this email is a chain between you and Amber 14:25  
23 Milum, cc'ing some others, related to a book order, 14:25  
24 right? 14:25

25 A. Yes. 14:25

1 board? 14:40

2 A. No. 14:40

3 Q. Has it been presented to the commissioners' 14:40

4 court? 14:40

5 A. No. 14:40

6 Q. Has it been presented to any sec -- subsection 14:40

7 of the commissioners' court for approval? 14:41

8 A. No. 14:41

9 Q. And so this portion that says "Electronic book 14:41

10 and audiobook collections must reflect the demographics 14:41

11 of the county (refer to most recent census and election 14:41

12 results report)," that is not the approved method of 14:41

13 selecting and vetting books for the online collection? 14:41

14 A. We -- no. We don't have a -- we don't have a 14:41

15 policy yet. This was a draft. This was, I believe, the 14:41

16 very first draft. 14:41

17 And then our board was paused for the 14:41

18 interim. So it was never even presented to the board -- 14:41

19 to the advisory board as a whole. 14:42

20 Q. Are you aware of whether anyone on the library 14:42

21 advisory board has collected census and election results 14:42

22 reports for purposes of book review? 14:42

23 A. I re -- I believe I forwarded the election 14:42

24 result report from the most recent primary that we had 14:42

25 to the committee -- to this collection committee. I 14:42

1 don't know about census information. 14:42

2 Q. But they -- they did receive the election 14:42

3 results report? 14:42

4 A. Yes. I sent it. 14:42

5 Q. And where did you get the election results 14:42

6 report? 14:42

7 A. I'm the Llano County GOP treasurer. So I am 14:42

8 included when the results come out -- the reports come 14:42

9 out. 14:42

10 Q. And you sent that to -- sorry. Just for 14:42

11 clarity's sake, you sent that to the collections 14:43

12 committee? 14:43

13 A. I did. 14:43

14 MS. SALOMON: I'm going to go ahead and 14:43

15 mark the next exhibit. All right. So this should be 14:43

16 Exhibit 41. 14:43

17 THE REPORTER: 40. 14:43

18 THE WITNESS: 40. 14:43

19 MS. SALOMON: This should be Exhibit 40. 14:43

20 This is, like, embarrassing. Okay. This should be 14:43

21 Exhibit 40. 14:43

22 (Wallace Exhibit 40 marked.) 14:43

23 Q. (BY MS. SALOMON) And I'll scroll for you. All 14:44

24 right. Let me know when you're ready. 14:44

25 A. I'm ready. 14:44

1 Q. So this is an email from Amber Milum dated 14:44  
2 April 5th, 2022, to a bunch of different folks, 14:44  
3 including yourself. 14:44

4 A. It's to the library advisory board as a whole. 14:44

5 Q. Got it. And she says, "Hello, everyone. I 14:44  
6 have reviewed one of" the -- "of Anne's book lists that 14:44  
7 she put together for us." Excuse me. "I went ahead and 14:44  
8 purchased the list after I removed all of the young 14:44  
9 adult and junior books from the list." 14:44

10 Do you see that? 14:45

11 A. I do. 14:45

12 Q. And so, as we discussed earlier, there was 14:45  
13 concern about the young adult and junior books having 14:45  
14 inappropriate content, right? 14:45

15 A. Correct. 14:45

16 Q. And then Amber says that aside from those 14:45  
17 books, she went ahead and purchased the list? 14:45

18 A. That's what she says. 14:45

19 Q. Okay. And -- sorry. I actually didn't mean to 14:45  
20 go off. That was a mistake. Where did it go? 14:45

21 And Amber references in this that it was 14:45  
22 one of Anne's book lists. Do you know who Anne is? 14:45

23 A. Yes. Anne was the acquisitions coordinator for 14:45  
24 Bibliotheca. She was one of them. 14:46

25 Q. I see. So she's one of the folks who had 14:46

REPORTER'S CERTIFICATION

I, SHARON ROSS, Certified Shorthand Reporter, do hereby certify:

That on Wednesday, June 29, 2022, at 11:03 a.m., appeared before me BONNIE WALLACE, the witness whose deposition is contained herein; that prior to being examined was by me duly sworn;

That the deposition was taken down by me in machine shorthand and was thereafter reduced to typewriting; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

That a request for an opportunity to review and make changes to this transcript:

Was made by the deponent or a party (and/or their attorney) prior to the completion of the deposition.

X Was not made by the deponent or a party (and/or their attorney) prior to the completion of the deposition.  
Was waived.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

Dated July 5, 2022.



SHARON ROSS, HI CSR NO. 432,  
TX CSR NO. 1961, CRR, RMR, CRC  
Realtime Systems Administrator

# **EXHIBIT 5**

7 Spoke to all about the 'butt' books

July 9, 2021, 10:00 am----Rochell Wells

July 9, 2021, 12:30 pm---Kathy Tribble

July 9, 2021, 2:00 pm----Jackie Cherico

July 9, 2021, 2:50 pm----Vivian Koerner (spoke to Tina)

July 9, 2021, 4:30 pm----Sidonie Thornton

July 13, 2021, 1:00 pm---- Amy Jordan

July 13, 2021, 2:30 pm----Sherry Simpson

July 16, 2021, 10:47 am---Jo Ares (through my personal Facebook messaging)

MILUM 4 RFP - 00578

EXHIBIT

5



8-5-21

2:24pm

i have deleted the <sup>(2)</sup>"fart" books  
from the system. I am waiting  
for the two "butt" books to be returned  
so i can delete them as well.

~~@Hawee~~

AM

Amber,

I am still receiving calls, letters and emails concerning the Farts and Butts books. I think it is best to remove these books from the shelves for now.

Thank you,

**Ron Cunningham**

Llano County Judge

325.247.7730

801 Ford Street

Suite 101

Llano, Texas 78643

**Judge Ron Cunningham** rcunningham@co.llano.tx.us

**Jennifer Buchanan-Administrative Assistant** jbuchanan@co.llano.tx.us

RE: Books

From: amilum@co.llano.tx.us <amilum@co.llano.tx.us>

Sent: Thu, Aug 5, 2021 at 11:38 am

To: Ron Cunningham

---

Yes Sir, Commissioner Moss suggested that as well. The "fart" books have never been on the shelves. I will delete them out of the system. The other two "butt" books have been checked out so I am waiting for them to return so I can delete them as well.

I'm sorry for all the problems,

*Amber Milum*

**Llano County Library System Director**

102 E. Haynie St.

Llano, TX 78643

325.247.5248

<http://www.llano-library-system.net/>

-----Original Message-----

From: "Ron Cunningham" <rcunningham@co.llano.tx.us>

Sent: Thursday, August 5, 2021 9:47am

To: "Amber Milum" <amilum@co.llano.tx.us>

Subject: Books

8-3-21

Around 4:00pm

Commissioner Moss came back in to talk to me about the "butt" books. He said he has been getting calls about them + Rochelle "the one that has them checked out" has been calling him + he told me that I should take them out of the system. Book wouldn't be so bad if it didn't have all the butt pictures. Told me to pick my battles. He is going to tell everyone it's over.

He said the next step would be to take this to CC and if that happens she would vote to take them off the shelf + it would be bad publicity for the library.

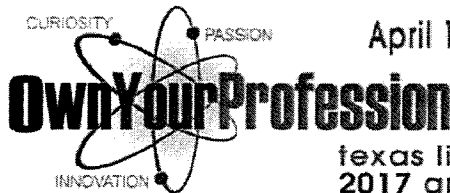
AM



10:00am  
7-9-21

Prochelle Wells

Spoke to her about the "butt" books  
this morning. She does not want them  
in the library. ← period!



April 19-22 | San Antonio

texas library association  
2017 annual conference

Vivian Koerner

7/9 @ 2:50

Voiced concerns over "Butt"  
books and ~~was~~ would  
prefer they don't go out.  
Liked the ideas of genre  
tags, and having to ask  
for books.

Sidonie Thornton  
325-372-7100

talked to me about the  
"butt" books. She was  
nice + does not want  
the books on the shelf.  
Said the same exact  
things the other ladies  
have said...

7-13-21  
1:00pm

Amy Sordan

didn't like the "butt"  
books. was very nice  
+ dumping on the band  
again. but felt a bit  
uncomfortable reading  
- Sat + read all the  
books.

2:00pm  
7-9-21

Jackie Cherico

Spoke to me about the  
"butt" books expressed  
her concern, was very  
nice + she said she  
is here to help +  
likes the option the other  
body mentioned.





**The "Butt" books: (I need a new butt) are not "grooming" books.**

**Grooming** is when **someone** builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Children and young people who are groomed can be sexually abused, exploited or trafficked.

<p style="text-align: right;">7-9-21 12:30pm</p> <p>Kathy Tribble</p> <p>talked to me today about the "butt" books. She was nice + said maybe an option will be to have them in the system but not on the shelves for kids to access themselves.</p>	<p style="text-align: right;">2:30pm 7-13-21</p> <p>Sherry Simpson</p> <p>Came in to talk about the "butt" books. Very nice. things had happened to her so she sees it + does not want the books on the shelves.</p>
--	--

Re: "I Need a New Butt" book

Rochelle Wells <rochellewells@hotmail.com>

Fri 7/9/2021 3:53 PM

To: Amber Milum <amilum@co.lano.tx.us>

Amber,

Thank you for meeting with me today. I looked on Amazon and found that I'm not the only person who disliked these books. Below I've attached a snapshot of the few of the negative comments.

I hope you consider these comments and decide to keep the books from being put on the shelves.

Thank you again for listening and also bringing in good books as well.

Rochelle Wells

## Top reviews from other countries



Nadine Berry



Verified Purchase

### Not appropriate for young children

Reviewed in the United Kingdom on January 8, 2019

I bought this book for my nieces and not being a parent myself, my view is that this should come with a PG/ age appropriate guide. Having read the book, i decided against giving it to them as it is quite rude and certainly not appropriate for my 5 year old niece. i would be mortified if she repeated any of the content at school or to her friends.

55 people found this helpful

Report



Kathy Frost



Verified Purchase

### Could 've been a fun book butt.....

Reviewed in the United Kingdom on December 4, 2018

It wasn't funny....started well but the rhyme did not work.....quite frankly it was boring and the pics were poor....the last one I thought was rather gruesome for a child's book....what a waste of money...this insolvent be going to the kids.

41 people found this helpful

Report



## Top reviews from the United States



Kayinsun



Verified Purchase

**CREEPY**

Reviewed in the United States on December 25, 2018  
 creepy book...pics show full butts not just cracks here and there...one pic shows a man painting on a boy's butt, another has the boy walking as a naked Model on the red carpet with adults watching, another has the boy going into a dark adult nightclub with a bumper on his butt...I will not be reading this to my child anytime soon..too much effort to return. Creepy stuff!

671 people found this helpful

Helpful

Report



Kindle Customer1



Verified Purchase

**Spectacular gift failure**

Reviewed in the United States on November 28, 2018  
 Our grandkids ages 4 & 6 have terrific senses of humor. They love Amelia Bedelia for instance. Since the 4 yr old especially finds butts etc hilarious I thought they'd love this. Neither of them thought this was funny. The 4 yr old announced after page 1 that "this doesn't make sense, everyone knows there's a crack there!" There was a smile about the idea of using a bumper only after I explained the word "bum." They both thought pages were missing at the end. I did too. Neither has been interested in reading it again and I don't think I can donate it because I'm sure some will find it offensive.

323 people found this helpful

Helpful

Report

2:21

Helpful

Report



amyfay

**Shocked and appalled**

Reviewed in the United States on May 22, 2021  
 I guess common sense about teaching children decency and morals has completely gone out the window. I actually thought this was a joke when I saw this book and then I heard it read on a video. What is wrong with you people that you believe this is OK to read to children.... See more

2 people found this helpful

Helpful

Report



Stephanie Gerold

**It's a no for us**

Reviewed in the United States on December 22, 2020  
 I bought this book for my 4 year old, he thinks butts are hilarious. I did not like it, I did not think much of it was funny, and some of it made me slightly uncomfortable. I found myself glad his dad was not listening.

3 people found this helpful

Helpful

Report



SpiffyDog

**VERY INAPPROPRIATE**

Reviewed in the United States on May 13, 2021  
 THIS IS VERY INAPPROPRIATE AND SHOULD BE REMOVED!

3 people found this helpful

11:23

51%



**Jo Ares**

Facebook

You're not friends on Facebook

1 mutual friend: Kristy Morris

Studied Marketing at Northwood University Collegiate  
DECA

[VIEW PROFILE](#)

WED AT 10:40 PM



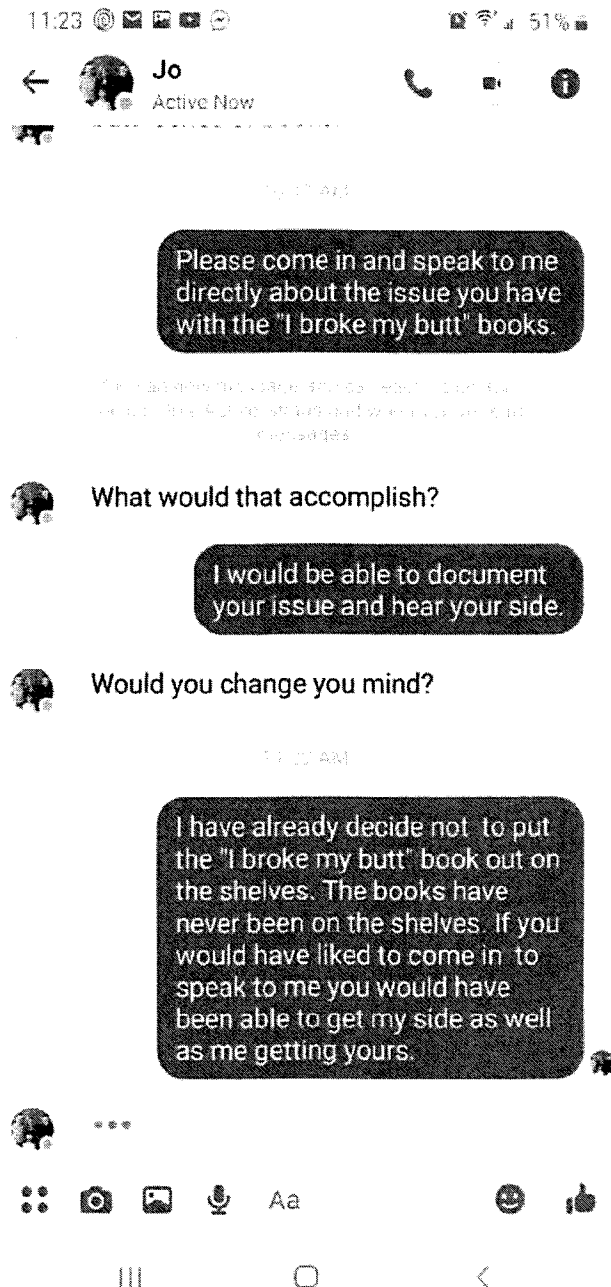
As a mother in Llano I would appreciate it if the Llano Public library did not order the "I broke my butt" series of books.

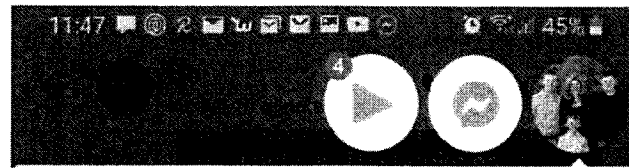
10:40 AM

Please come in and speak to me directly about the issue you have with the "I broke my butt" books.

How can you message and call each other and







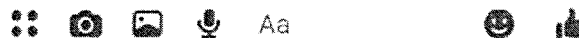
Speak to me you would have been able to get my side as well as me getting yours.

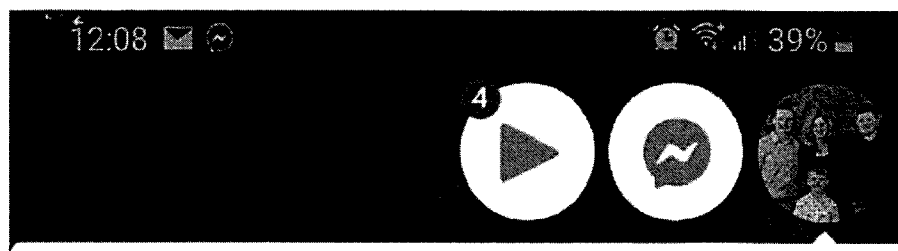
Very interesting. So tax dollars are being spent on books not on the shelf?

Who decides who orders the books?

11:47 AM

The issue about the books were brought up after I purchased them even though they were not fully processed and ready to be out on the shelves. I have been discussing with patrons the issues they have with the book. That's why they haven't been on the shelves yet. As for the money to purchase books mostly comes from donations. I purchase all the books for the library system, with recommendations from patrons and other staff.





Jo

Active 4 minutes ago



The issue about the books were brought up after I purchased them even though they were not fully processed and ready to be out on the shelves. I have been discussing with patrons the issues they have with the book. That's why they haven't been on the shelves yet. As for the money to purchase books mostly comes from donations. I purchase all the books for the library system, with recommendations from patrons and other staff.

12:02 PM



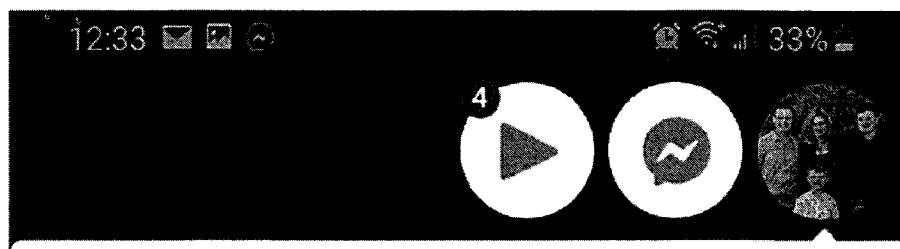
What patrons help choose books?

The libraries have a form patrons can fill out requesting certain authors, books or even genres. I purchase what I can from those forms.



Aa





Jo



The libraries have a form patrons can fill out requesting certain authors, books or even genres. I purchase what I can from those forms.



Who requested these nasty books?

12:25 PM

No one.



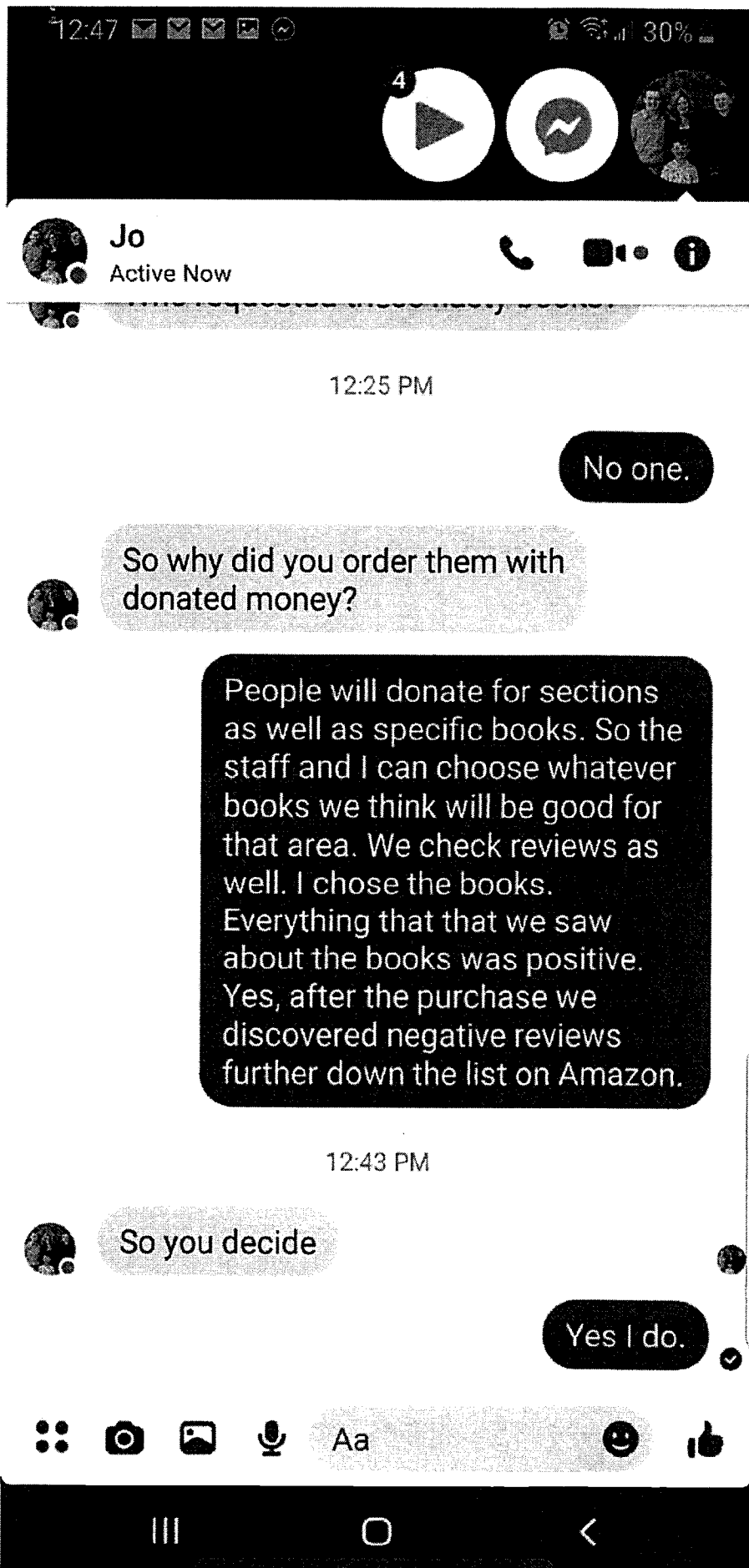
So why did you order them with donated money?

People will donate for sections as well as specific books. So the staff and I can choose whatever books we think will be good for that area. We check reviews as well. I chose the books. Everything that that we saw about the books was positive. Yes, after the purchase we discovered negative reviews further down the list on Amazon.



Aa





7/16/2021

These Freaking Books!

## These Freaking Books!

From: tina.llanoblibrary@co.llano.tx.us <tina.llanoblibrary@co.llano.tx.us>

Sent: Thu, Jul 15, 2021 at 4:59 pm

To: amilum@co.llano.tx.us

---

A patron came in today who wanted to see the butt books, but because Rhonda has them checked out the patron couldn't see them to make their own decision about them. Rhonda went on to say that, "I'm just going to keep them checked out because I don't find them appropriate."



Concerned parent

<https://apps.rackspace.com/versions/webmail/19.0.7-RC/popup.p...>**Concerned parent**

From: Elysia Barkley &lt;elysiafaith@yahoo.com&gt;

Sent: Fri, Jul 9, 2021 at 1:12 pm

To: amilum@co.llano.tx.us

Good afternoon Amber,

I wanted to respectfully voiced my concern over the recent purchase of the butt and fart books. I am a mother of six and a homeschooler. We absolutely love the Llano library because it has seemed like a safe place. This purchase is not protecting our children.

The little I saw very much seemed to groom children for pedophiles. This is extremely scary as a parent. Having an old artist painting on a child's butt is very disturbing! A child should not think that is normal behavior!

There are so many rich books for children to learn from, but books on farts and butts are just dumbing down our children and not using the budget in a way that benefits our children.

I would absolutely love to see books on biblical character building, historical fiction, anything from Focus on the Family, Who Was books (I actually donated a bunch of them to the library because the Llano library just didn't have enough historical information for my kids and knew that other children could benefit from them once we were done) Because we homeschool we often need historical or scientific information to write reports and the Llano library just does not have enough of that and we've had to go to Round Rock many times to get what we needed.

We absolutely love the Llano Library and it's charm and I hope that you can understand the concern we as parents have.

When purchasing books for our children I would ask that you think of the kind of people you want them to become. As a parent I am raising future leaders and everything they put in their minds develops their character, please help us do this by the books you buy!

Thank you!

Elysia

Phone #  
512-698-8921

Sent from Yahoo Mail for iPhone

is book

<https://apps.rackspace.com/versions/webmail/19.0.7-RC/popup.p...>

## Kids book

From: Melissa Macdougall <[mmacdougall@co.ilano.tx.us](mailto:mmacdougall@co.ilano.tx.us)>

Sent: Fri, Jul 9, 2021 at 10:45 am

To: Amber Milum

---

I watched the video for "I Need a New Butt" – silly, a little crude for some tastes – but not really much different from Captain Underpants in my opinion.

The Butt Book!

<https://apps.rackspace.com/versions/webmail/19.0.7-RC/popup.p...>

## The Butt Book!

From: [astarkes@co.llano.tx.us](mailto:astarkes@co.llano.tx.us) <[astarkes@co.llano.tx.us](mailto:astarkes@co.llano.tx.us)>

Sent: Fri, Jul 9, 2021 at 10:49 am

To: [amilum@co.llano.tx.us](mailto:amilum@co.llano.tx.us)

---

Hey, Amber!

Just wanted to let you know I watched the video on the "controversial" children's book, and I see no signs of grooming in the story or content whatsoever. It honestly reminded me of being that age again, as butt and fart jokes were way funnier at that age!

To me it feels harmless. Kids are gonna have a riot over it in the best way, and some kids need that silliness to smile. We had Captain Underpants. Let them have butts!

Besides, if you want to get super logical, kids are not going to see it as anything but a silly, ridiculous book. The parents in my view are over reacting and are not looking through the lens of a kid.

I'm so sorry you are having to deal with this, but know that all of us here got your back, and if you ever need a good rant, my e-mail box is always open!

Stay strong, Amber!!

Amanda Starkes  
Teen Librarian  
Kingsland Library

8-3-21

morning - Commissioner Moss came into the library wanting to see the "Butt" Book.

i told him 2 were checked out this

Morning + that i have the other one

4 the issue in a file i showed him

the book and he asked to take it

4 him so he could read it. i said

sure and then he left.

Amber

Scan

Clear Screen

Restore Member

Find Material

[Switch to Check In](#)

Relatives: ANDREW (Adult) - 10026499, ROCHELLE (Adult) - 10030752, Sonora/Rochelle (Teen) - 10028320, Andrew (Trace) / Rochelle (Child) - 10030874,  
Blu/Rochelle (Child) - 10030354

Number	Name	Type	Expires	Contact	Internet: Yes
10030752	WELLS, ROCHELLE (Adult)	A..2	2/26/2022	831-521-4965	<a href="#">Member Info</a>
0 Reserves	1 Note	Member Owes: \$0.00	Manage Fines and Problems	Print Items Out	

Currently Out: 7 items: [Renew All](#) [Renew Selected \(0\)](#) [Change Due](#)

	Material #	Call #	Title	Author	Out	Due	Days Out	Renewable	
	10110467	648.8 THO	Decluttering your home : tips, techniques and trade secrets	Thomas	7-23-2021	8-6-2021	11	Y	<a href="#">Info</a>
	10104639	648.1 RAP	The organically clean home : 150 everyday organic cleaning p	Rapinchuk	7-23-2021	8-6-2021	11	Y	<a href="#">Info</a>
	10118874	E MCK 2X2LIST 2020-21	Duck!	McKinlay	8-3-2021	8-17-2021	0	Y	<a href="#">Info</a>
	10119523	E MCM	I broke my butt	McMillan	8-3-2021	8-17-2021	0	Y	<a href="#">Info</a>
	10119522	E MCM	My butt is so noisy	McMillan	8-3-2021	8-17-2021	0	Y	<a href="#">Info</a>
	10031276	E MCP	Drawing lessons from a bear	McPhail	8-3-2021	8-17-2021	0	Y	<a href="#">Info</a>
	10034653	E MCP	Pig Pig gets a job	McPhail	8-3-2021	8-17-2021	0	Y	<a href="#">Info</a>

Checkouts Today: 27

You are at branch: Llano County

[Install Biblionix Print Helper](#)

2021-07-14 01

MILUM 4 RFP - 00599

7-20-21 4:00pm

Suzette spoke w/ Commissioner Sandoval about the "butt" books & Suzette showed him the youtube, I showed them of the little girl reading the book. He said it's not "grooming" & he doesn't see anything wrong w/ it.

7-16-21 all day

Spoke to Commissioner Maschke about the "butt" books. She didn't see anything wrong w/ them & said if people don't like them then they shouldn't read them.

Spoke w/ the Judge as well & he didn't think they were "grooming" either & said ~~told~~ the library does not censor.

{ Everyone on my side & say I should leave the books on the shelf. }



FW: idea for transparency of library book orders

From: Ron Cunningham <rcunningham@co.llano.tx.us>

Sent: Mon, Aug 2, 2021 at 10:53 am

To: Amber Milum

Amber,

Would you please give me a call once you have reviewed the below email?

Thank you,

Ron Cunningham

Llano County Judge

325.247.7730

801 Ford Street

Suite 101

Llano, Texas 78643

Judge Ron Cunningham rcunningham@co.llano.tx.us

Jennifer Buchanan-Administrative Assistant jbuchanan@co.llano.tx.us

-----Original Message-----

From: Rochelle Wells <rochellewells@hotmail.com>

Sent: Monday, August 2, 2021 10:07 AM

To: Ron Cunningham <rcunningham@co.llano.tx.us>

Cc: Eva Carter <evacarter@me.com>; JoLeigh Ares <joleighares@yahoo.com>

Subject: re: idea for transparency of library book orders

Judge Cunningham,

I hope your weekend was restful. Our meeting (along with Eva Carter and JoLeigh Ares) left me encouraged.

I was going to speak with Amber about the idea of putting up a list of future books orders so that there was transparency, but when I went in she was already gone and another week has gone by after that. I still would like to go in and speak with her, but wasn't sure if you had already done this.

I guess I'm emailing to see if you had done so.

Graciously,

Rochelle Wells

*Never had  
a conversation  
w/ RW b/c  
RW would not  
bring up topic.*





**Jo Ares**

Facebook

You're not friends on Facebook

1 mutual friend · Kristy Morris

Studied Marketing at Northwood University Collegiate  
DECA

[VIEW PROFILE](#)

As a mother in Llano I would appreciate it if the Llano Public library did not order the "I broke my butt" series of books.



Please come in and speak to me directly about the issue you have with the "I broke my butt" books.





Please come in and speak to me directly about the issue you have with the "I broke my butt" books.



What would that accomplish?

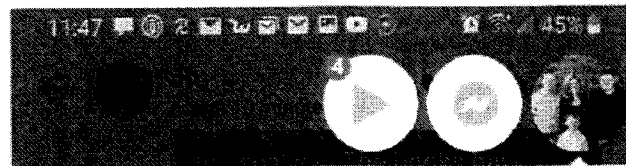
I would be able to document your issue and hear your side.



Would you change you mind?

I have already decide not to put the "I broke my butt" book out on the shelves. The books have never been on the shelves. If you would have liked to come in to speak to me you would have been able to get my side as well as me getting yours.





Jo

Active 10 minutes ago



Speak to me you would have been able to get my side as well as me getting yours.

Very interesting. So tax dollars are being spent on books not on the shelf?

Who decides who orders the books?

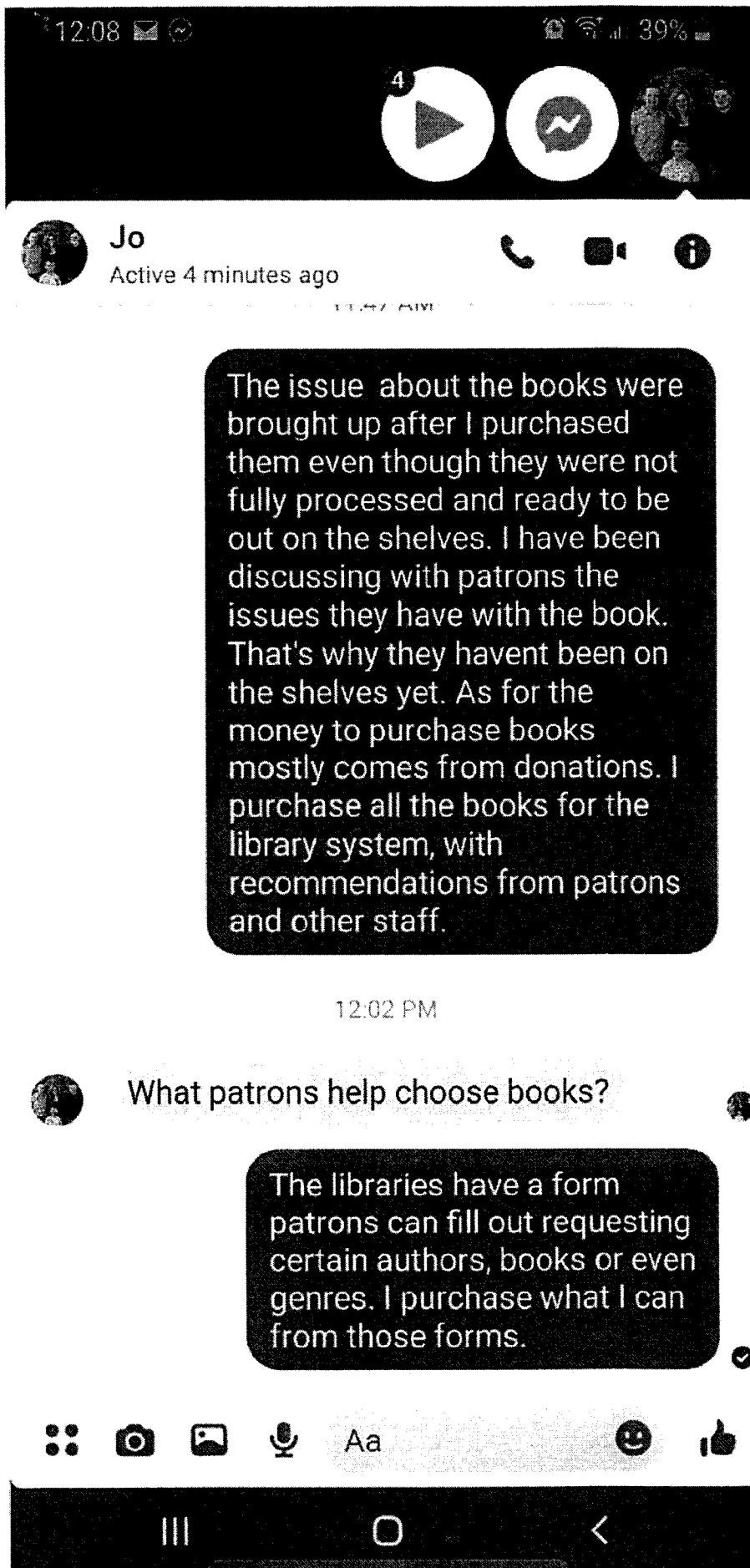


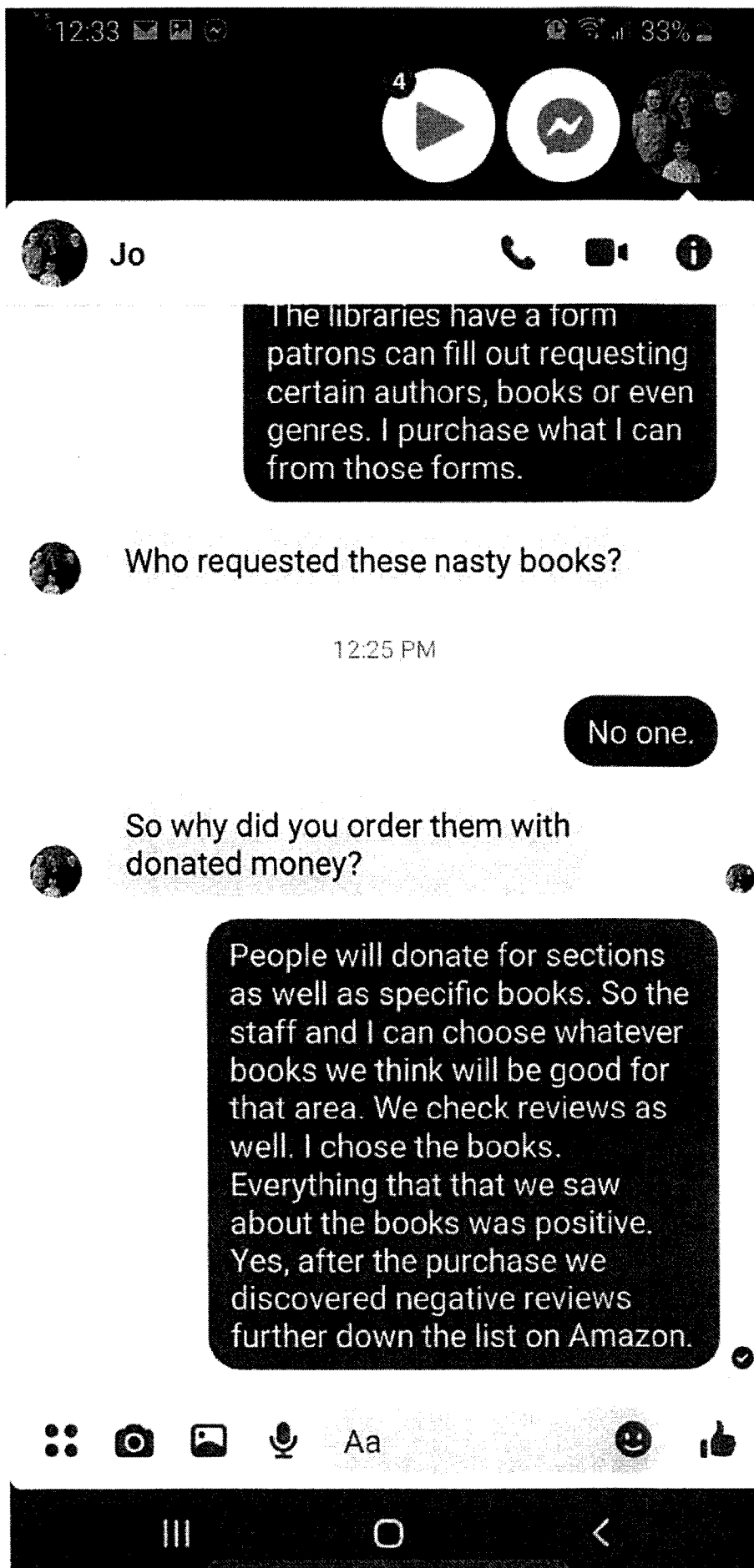
The issue about the books were brought up after I purchased them even though they were not fully processed and ready to be out on the shelves. I have been discussing with patrons the issues they have with the book. That's why they haven't been on the shelves yet. As for the money to purchase books mostly comes from donations. I purchase all the books for the library system, with recommendations from patrons and other staff.

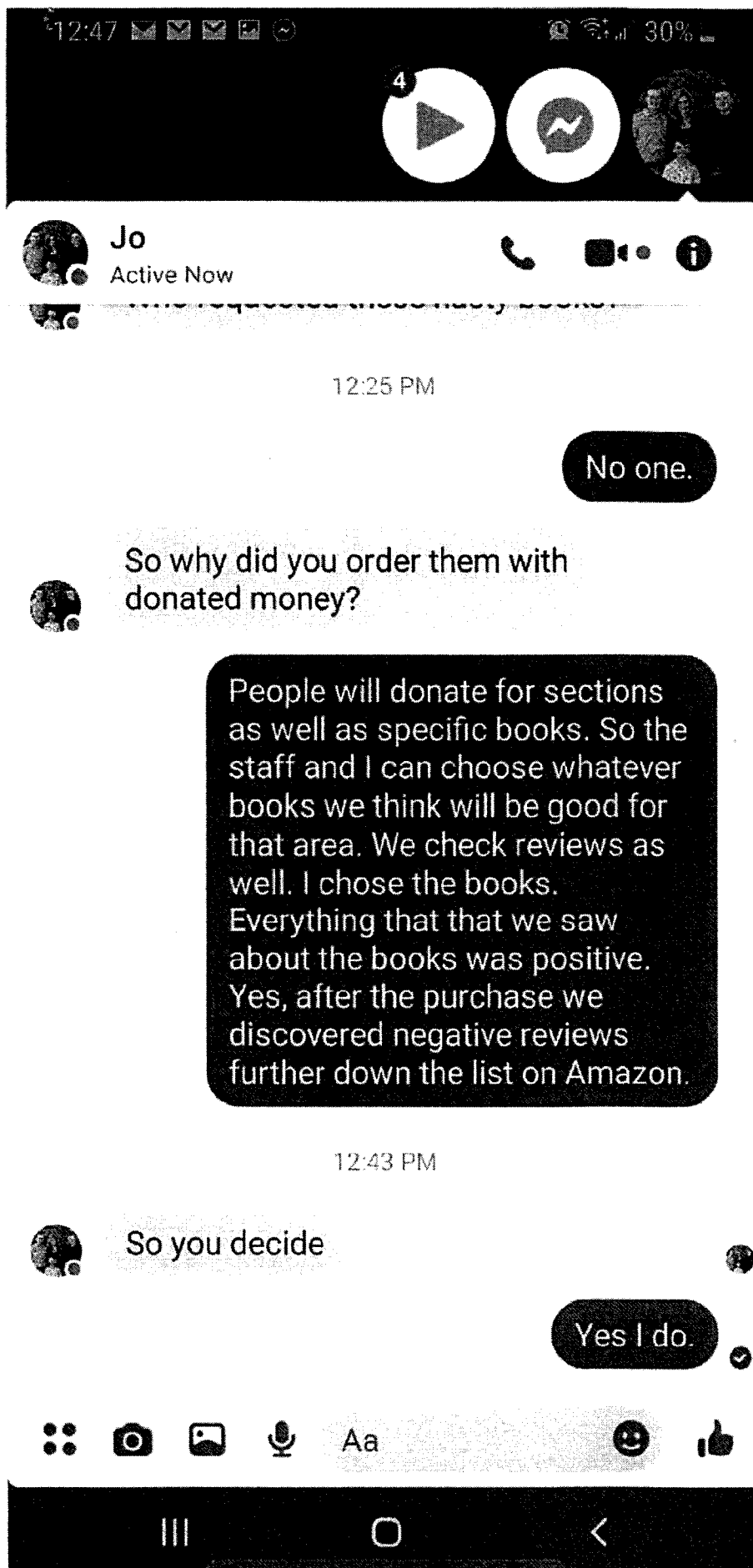


Aa









# **EXHIBIT 6**

# **1st Bibliotheca Cloudlibrary order 2022.4**

Amber Milum <amilum@co.llano.tx.us>

Tue 4/5/2022 11:40 AM

To: Gay Baskin <gaybaskin@yahoo.com>; Bonnie Wallace <mrs.bobwallace@gmail.com>; Rochelle Wells <rochellewells@hotmail.com>; Anita Hiton <anitahiltons@gmail.com>; Susie Sitton <sitton9260@yahoo.com>; Sharon Maki <sharon\_maki@hotmail.com>; Cindy Travers <cindytravers@outlook.com>; Nancy Miller <nancy@millertexas.net>; Robyn Tibbs <tibbs.robbyn@outlook.com>; Ravelle Kunding <ravellek@aol.com>; Rhonda Schneider <saltresources@icloud.com>; Cheryl Mabray <cheryllmabray@gmail.com>; Louann Raley <louannraley@gmail.com>

Bcc: Ron Cunningham <rcunningham@co.llano.tx.us>

Hello Everyone,

I have reviewed one of Anne's book lists that she put together for us. I went ahead and purchased the list AFTER I removed all of the young adult and junior books from the list. Ryan said it would be a good idea to already have items purchased for when we play with the app later today (I hope the books are in the app by then). I have attached the list of 91 items. I have also sent in the membership application as well as paid the annual subscription. I believe all we are waiting for now is to be accepted into Cloudlink.

Looking forward to the training today, Hope everyone has a great day!

*Amber Milum*

**Llano County Library System Director**

102 E. Haynie St.

Llano, TX 78643

325.247.5248

<http://www.llano-library-system.net/>

Milum 2 RFP - 00184

EXHIBIT

40



# EXHIBIT 7

**Re: Bibliotheca**

Bonnie N. Wallace <mrs.bobwallace@gmail.com>

Wed 4/13/2022 4:53 PM

To: Amber Milum <amilum@co.llano.tx.us>

Cc: Gay Baskin <gaybaskin@yahoo.com>; Nancy Miller <nancy@millertexas.net>; Rochelle Wells <rochellewells@hotmail.com>; Robyn Tibbs <tibbs.robyn@outlook.com>; Rhonda Schneider <Saltresources@icloud.com>

Amber,

I was able to connect with Ryan this afternoon and explain to him what had transpired with our first order. I explained that Ann had only sent you the lists but not copied anyone else, and that you didn't realize that no one else had seen the list. I explained that you had the foresight to remove all the YA and teen books which we had requested NOT be included in either list, and then you had ordered the rest.

So, I explained that we would like some of the books and all of the audio books removed, we would like a credit for that material, and that we were willing to purchase other material that would equal 110% of that amount. In other words, it would be mutually beneficial if they could work with us through this initial purchase. He said that this is above his pay grade but that he will discuss with his superiors and keep me posted.

The Collection Committee is reviewing the list to see which books they would like to remove as well as creating a list of new material that they would like to purchase. This list will be supplied to Ryan before 8am tomorrow morning, at his request.

I thanked him profusely for working with us and told him that I anticipated a long and successful partnership with him and with Bibliotheca!

I'll keep you posted. Thank you for your help.

On Wed, Apr 13, 2022 at 12:22 PM Bonnie N. Wallace <mrs.bobwallace@gmail.com> wrote:

Amber,

I know you were as disappointed as we were. We had NO idea Ann had sent you a list. I am sorry you are having to deal with this.

Thank you for keeping on this.

Bonnie N Wallace

On Apr 13, 2022, at 11:34 AM, Amber Milum <amilum@co.llano.tx.us> wrote:

Bonnie,

Milum 2 RFP - 00310

EXHIBIT

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I spoke with Ryan yesterday afternoon. He said that he can manually remove an item, but they don't have a way to refund or exchange them. I am working on a new list to add to what we have. I will have that soon.

I was under the impression that the committee worked with Ann to make the previous lists.

Thank you for the support and the help,

*Amber Milum*

**Llano County Library System Director**

102 E. Haynie St.

Llano, TX 78643

325.247.5248

<http://www.llano-library-system.net/>

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**From:** Bonnie N. Wallace <[mrs.bobwallace@gmail.com](mailto:mrs.bobwallace@gmail.com)>

**Sent:** Wednesday, April 13, 2022 8:44 AM

**To:** Amber Milum <[amilum@co.llano.tx.us](mailto:amilum@co.llano.tx.us)>

**Subject:** Bibliotheca

Amber,

Would you prefer I contact Ryan to discuss our first iCloud Library book purchase? I'm happy to do that, as I know it could make you uncomfortable. You will not be blamed, as I feel you were doing the best you knew how to do, and we are all just figuring this out.

You are AMAZING and I'm so proud of you. Just let me know if you'd rather me do it.

Have a blessed day!

**Bonnie N. Wallace**

(956) 330-8106 (cell)

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**Bonnie N. Wallace**

(956) 330-8106 (cell)